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March 13, 2026

Via eCourts

Honorable William G. Mennen, J.S.C.
Somerset County Superior Court
20 North Bridge Street
Somerville, New Jersey 08876

**Re: In The Matter Of The Application Of The Township Of Branchburg Fourth Round
Affordable Housing Obligation and Housing Element and Fair Share Plan**

Docket No.: SOM-L-142-25

Dear Judge Mennen:

This office represents the Township of Branchburg in the above referenced matter. In accordance with the Consent Order Conditional Compliance Certification entered by the Court and N.J.S.A. 52:27D-304.1f(2)(c), enclosed please find the following compliance documents:

- 1) Exhibit A – Ordinance 2026-1507 Creating New AH-8 Route 22 Affordable Housing 8 Zone (Vollers/Premier Inclusionary Housing Project)
- 2) Exhibit B – Ordinance 2026-1508 Adopting Amended Evans Way Redevelopment Plan/ Amended Evans Way Redevelopment Plan (Evans Way/KRE Inclusionary Housing Project)
- 3) Exhibit C – Ordinance 2026-1509 Affordable Housing and Development Fees Ordinance
- 4) Exhibit D – Resolution 2026-64 Adopting Affirmative Marketing Plan/Affirmative Marketing Plan
- 5) Exhibit E – Resolution 2026-65 Adopting Spending Plan/Spending Plan
- 6) Exhibit F – Resolution 2026-66 Authorizing Agreement and Deed Restriction for Extension of Affordable Housing Controls/Agreement/Deed Restriction (Whiton Hills)

Respectfully submitted,
William J. Willard
William J. Willard

cc: Joshua Bauers, Esq. (Via eCourts)

EXHIBIT A

ORDINANCE NO. 2026-1507**ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BRANCBURG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE AND ADD A NEW "AH-8- ROUTE 22 AFFORDABLE HOUSING 8" ZONE**

Whereas, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("Amended FHA"); and

Whereas, on January 28, 2025, the Township filed a Complaint for Declaratory Judgment Pertaining to Fourth Round Affordable Housing Obligation and Housing Element and Fair Share Plan in accordance with the Amended FHA; and

Whereas, on April 8, 2025, the Honorable William Mennen entered an Order and Decision establishing the Township's Fourth Round Affordable Housing Obligation at 0 Present Need units and 255 Prospective Need units; and

Whereas, the Township Affordable Housing Planner prepared a Housing Element and Fair Share Plan to address and satisfy the Township's Fourth Round Affordable Housing Obligation which Plan was approved by the Planning Board and Township Committee; and

Whereas, on June 25, 2025, the Township filed its Housing Element and Fair Share Plan in accordance with the Amended FHA; and

Whereas, on August 28, 2025, Fair Share Housing Center filed a letter seeking additional information and documentation prior to the Affordable Housing Program or Court approving the Township's Housing Element and Fair Share Plan; and

Whereas, on October 7, 2025, the Honorable William Mennen entered a Case Management Order requiring the Township and Fair Share Housing Center to confer and present to the Court a Consent Order pertaining to the Township's Fourth Round Affordable Housing Compliance Plan setting forth any outstanding conditions that must be met prior to the March 15, 2026 compliance date; and

Whereas, the Township and Fair Share Housing Center conferred and filed with the Court a Consent Order in accordance with the Case Management Order; and

Whereas, on January 8, 2026, the Honorable William Mennen entered a Consent Order Conditional Compliance Certification the terms of which require the Township to adopt a zoning ordinance to provide for development of an inclusionary housing project identified in the Township's adopted Housing Element and Fair Share Plan as the Vollers/Premier project; and

Whereas, the Township in compliance with the Consent Order Conditional Compliance Certification wishes to amend the Land Development Ordinance of the Township of Branchburg to create and add a new "AH-8- Route 22 Affordable Housing 8" zone to provide for the development of the Vollers/Premier inclusionary housing project.

Now, Therefore, Be It Ordained by the Township Committee of the Township of Branchburg, County of Somerset, State of New Jersey, as follows:

Section 1. The Land Development Ordinance of the Township of Branchburg, Article III "Zoning", Section 3-3.1 "Zones Established" is hereby amended to create and add a new "AH-

8-Route 22 Affordable Housing 8” zone.

Section 2. The Land Development Ordinance of the Township of Branchburg, Article III “Zoning”, Section 3-3.2 “Zone Map” is hereby amended as follows:

A. The Zoning Map, Rev No. 17, adopted on March 9, 2026, delineating the zones set forth in Section 3-3 is hereby declared to be a part of this Article. A copy of said Zoning Map is filed in the office of the Township Clerk.

Section 3. The Land Development Ordinance of the Township of Branchburg, Article III “Zoning”, is hereby amended to create and add a new “AH-8-Route 22 Affordable Housing 8” zone as follows:

§LDO3-40 AH-8 – ROUTE 22 AFFORDABLE HOUSING 8 ZONE

§LDO3-40.1 Purpose

The AH-8 Zone is intended to provide for development of multifamily residential uses with a portion of such housing restricted to occupancy by households of very low, low and moderate income. Affordable dwellings shall be integrated with and indistinguishable in outward appearance from the market-rate housing. The AH-8 Zone shall provide 50 affordable housing credits consisting of affordable apartments and/or special needs beds.

§LDO3-40.2 Applicability of Standards

The use, bulk, design and performance standards of the AH-8 Zone shall supersede other zoning provisions of the Branchburg Township Land Development Ordinance, except that where the regulations and standards of the AH-8 Zone are silent, the other standards of the Land Development Ordinance shall apply.

§LDO3-40.3 Permitted Uses

A. Principal uses.

1. A maximum of 250 multifamily apartment, townhouse and stacked townhouse dwelling units plus 1 single family group home for special needs housing.

B. Accessory uses.

1. Private garages and off-street parking;
2. Patios and decks;
3. Fences and walls;
4. Conservation areas, recreation, open space and public purpose uses;
5. Stormwater Management and other utilities. This zone will allow a portion of the stormwater management to be constructed on a contiguous lot.
6. Business office for on-site management;
7. Tenant storage, maintenance and storage of maintenance equipment, superintendent office or any combination thereof;
8. Clubhouse, pool, community building, rental office, and model units;
9. Accessory uses on the same lot and customarily incidental to a principal use.

§LDO3-40.4 Area and Bulk Requirements

A. All area and bulk requirements in the AH-8 Zone shall be applicable to the overall zone and not to individual lots within the zone.

B. The minimum tract area shall be the entirety of the zone. Subdivisions for the purposes of phasing or financing shall be permitted as long as the area and bulk requirements for the zone are met.

C. The minimum setback to a building from a public street right-of-way shall be 30 feet of which 20 feet shall consist of a frontage buffer in accordance with Section 4-5.2 A, except that stormwater management facilities, sidewalks, and open space shall not require frontage buffering.

D. The minimum setback to a building from any zone boundary shall be 35 feet for apartments and townhomes and 10 feet for accessory, maintenance and storage buildings.

E. Public Road Setback:

1. The minimum setback to an alley from a public street right-of-way shall be 30 feet of which 20 feet shall consist of a frontage buffer in accordance with Section 4-5.2 A;

2. The minimum setback to a private street from a public street right-of-way shall be 50 feet of which 30 feet shall consist of a frontage buffer in accordance with Section 4-5.2 A.

F. Additional Bulk Requirements:

1. The minimum setback from a public street right of way to off-street parking area shall be 30 feet;

2. The minimum setback from public street right of way to a maintenance or storage building shall be 30 feet;

3. Impervious coverage shall not exceed 60% of gross tract area;

4. Building coverage shall not exceed 25% of gross non-mixed-use area;

5. Private streets, off-street parking areas and driveways shall be located a minimum of 10 feet from any zone boundary, except where connectivity to adjacent properties or streets is necessary.

G. Townhouses

1. Maximum Height: 45 feet or 3 stories

2. Maximum dwelling units in one building: 8

3. Rear-Loaded Townhouses:

a. Minimum distances from front facade to private streets:

Building to sidewalk: 14 feet

Building to curb: 21 feet

- b. Minimum distance from garage facade to curb, edge of alley pavement or edge of sidewalk: 20 feet
- c. Minimum distances for side facades:
 - Building to building: 28 feet
 - Building to private street: 15 feet
- 4. Front-Loaded Townhouses:
 - a. Minimum distance from front facade to private streets
 - Building to sidewalk: 20 feet
 - Building to curb: 26 feet
 - b. Minimum distance garage facade to sidewalk: 25 feet
 - c. Minimum distance for side facades:
 - Building to building: 28 feet
 - Building to private street: 15 feet
- 5. Front steps, decks in the rear up to 6 feet in depth, covered entry and/or porches up to 6 feet in depth and box bays up to 2 feet in depth are permitted in any setback.
- 6. Townhouses may be subdivided for individual fee simple unit ownership.

H. Apartments

- 1. Maximum Height 50 feet or 4½ stories where parking occurs in the first story. Otherwise the maximum height shall not exceed 3 ½ stories or 45 feet.
- 2. Maximum dwelling units in one building 42
- 3. Minimum Building setbacks:
 - Building to building: 30 feet
 - Building to private street: 16 feet
 - Building to parking area or driveway: 15 feet
- 4. For each affordable apartment, in addition to any storage areas contained within the apartment, there shall be provided 300 cubic feet of storage in a conveniently accessible area either within the apartment building or in a separate building where storage will not constitute a fire hazard and where belongings can be kept locked and separated from the belongings of other occupants.
- 5. Box bays up to 2 feet in depth and entrance porticos up to 6 feet in depth are permitted in any setback.

§LDO3-40.5 Development Requirements

A. Circulation and Streets

- 1. Major circulation in the AH-8 Zone shall be generally in accordance with the Concept Plan.
- 2. Streets, and all infrastructure within those streets, shall be privately owned and maintained.

3. All public and private streets, alleys, and driveways shall demonstrate adequate access and circulation of the most restrictive Branchburg fire apparatus, taking in consideration parking spaces.
4. All private streets shall be subject to Title 39 jurisdiction.
5. Recycled aggregates onsite such as concrete and asphalt millings may be used as sub-base construction materials onsite.

B. Community design

1. Development in the AH-8 Zone shall be generally in accordance with the Concept Plan.
2. However, it is not intended that the Concept Plan and the Circulation Plan be definitive regarding any particular aspect of the community design, it being intended that Board review of a site plan will result in reasonable refinements, while still being substantially consistent with the Concept Plan.
3. Pedestrian Connectivity. Pedestrian walkways connecting streets and the dwellings shall be provided. Sidewalks and trails shall be provided substantially in accordance with the Concept Plan.
4. Street trees shall be planted an average of 40 feet on center along the entirety of the public and private frontages, except for frontages on lanes or alleys and except in front of front-loaded townhouses.
5. There shall be provided, for the perpetual use of all residents of the zone, substantially in accordance with the Concept Plan, the following amenities:
 - a. Children's play area,
 - b. Central open space for passive uses.
6. No refuse container or trash or recycling collection area shall be located closer than 20 feet from any residential unit.

C. Open Space Standards

1. The minimum open space area shall be 10% of the zone area and consistent with the Concept Plan.
2. Open spaces shall be planted with double rows of street trees along thoroughfare frontages, with the exception of undisturbed or farmed areas abutting thoroughfare frontages, which shall not require the planting of street trees. Open spaces abutting alleys or lanes shall be planted with a single row of street trees.
3. A detailed site plan for open spaces shall be submitted for review and approval by the Board as part of preliminary site plan application.
4. Stormwater facilities shall not impede function of open space.
5. Conservation easements shall be clearly and permanently marked as such in a manner approved by the Board.

D. Apartment and Townhouse Parking Requirements

1. Apartment and Townhouses shall be provided with the number of parking spaces pursuant to R.S.I.S. standards.
2. Clubhouse and management offices shall provide a minimum of 7 spaces and 2 spaces respectively.
3. Every Townhouse shall have at least one enclosed garage measuring a minimum of 12 feet wide and 270 square feet.
4. Parking may be permitted on a driveway leading to a garage provided that no vehicle may project into private road or alley or sidewalk.
5. All EV parking spaces counted toward a credit under MLUL 40:50D-66.20 shall be located on surface parking.

E. Steep Slopes, Stream Corridors and Walls

1. The Board shall grant waivers from stream corridor buffer width requirements where reasonably necessary, consistent with the Concept Plan, and in accordance with NJDEP regulations.
2. The Board shall grant waivers from steep slope grading, retaining wall heights and development requirements where reasonably necessary.

F. Solid Waste and Recyclables

1. For each rental apartment building, a trash enclosure shall be located in at least one central location. Exterior trash enclosures and recyclable containers shall be fully screened with a gated enclosure constructed of similar materials and design as the buildings. Site design shall provide a separate man door or access gate into the enclosure. The pedestrian route to the enclosure from the apartment building shall be ADA accessible. The enclosure shall not exceed a six-foot height and shall be buffered from within the site and from any lot line or street line with landscaping.
2. For the townhouse solid waste and recycling pick-up shall be curbside at each individual unit. Solid waste and recycle containers shall be stored in the garages.
3. Solid waste and recycling storage areas shall be set back a minimum of 10 feet from adjoining property lines. The location and number of recycling containers, and the collection and disposition of recyclables shall be provided on the site plan and approved by the Planning Board. Solid waste and recycling storage areas shall not be located in required buffer areas.
4. Adequate access shall be provided to all solid waste and recycling storage facilities. Such access shall accommodate the type of vehicle normally used for the collection of wastes. The area for recycling shall be large enough to accommodate the recyclables being collected by a private hauler.

G. Design Standards. Deviations from these standards shall be considered exceptions pursuant to N.J.S.A. 40:55D-51.

1. Building Design. The purpose of these building design standards is to ensure that the design of townhouse and apartment buildings promotes a desirable visual and spatial environment.

a. Townhouses.

- 1) Building Design. Townhouses shall be designed substantially in accordance with the Concept Plan and substantially in accordance with the exhibit entitled "AH-8 Architectural Exhibit".
- 2) Each building shall contain, at a minimum, one end unit model and one interior model. Each base model type home in any block shall have at least two alternative front elevations containing different design features, including, but not limited to the following: Porches, Porticos, Columns, Dormer, Accent Windows, Door Color
- 3) All townhouse units shall contain a front porch or a covered entry.
- 4) Materials shall be unified among all townhouses.
- 5) For alley-loaded townhouses, the finished first floor shall be a minimum of 18 inches above the front sidewalk elevation, and the front sidewalk shall rise no more than 16 inches at the sidewalk and 60 inches at the stoop, subject to engineering constraints.
- 6) End units may have four bedrooms. Interior units are not permitted to have more than three bedrooms.
- 7) Either a fence, wall, plantings, or some other element shall be provided to delineate the sidewalk from the front yards of the units.
- 8) Grade changes shall only occur between townhouse units within one building at a location where the garages are not located side by side. Grade changes shall not exceed 24 inches.
- 9) Townhouse driveways shall be a minimum of 12 feet in width.
- 10) Townhouse driveway slopes shall be no greater than 7%.
- 11) Townhouse driveways within 2 feet of one another shall not be greater than 6 inches in slope.
- 12) Grading between driveways shall be sloped no greater than 4:1 slope or a wall constructed 2 feet from the driveway edge.

2. Signs.

- a. Interior Monument. One single-sided interior monument sign with a maximum area of 30 square feet may be provided at each road entrance from a public or private road at a minimum setback of 5 feet.
- b. Directional. Up to two directional signs shall be allowed on each street or driveway frontage from which vehicular access is derived. A directional sign shall not exceed six square feet in sign area and shall not exceed six feet in height. A directional sign shall be set back from any lot line by at least three feet.
- c. Residential Building Identification. Each residential building may have up to two attached identification signs. The maximum sign area of each shall not exceed six square feet. Such signs shall be appropriately integrated within the architecture of the buildings.
- d. The types, designs, lighting and locations of all signs shall be approved by the Board.

3. Lighting.

- a. No building-mounted lighting shall be more than 12 feet above the closest first floor finished grade. Building-mounted lighting shall not be directed to parking areas and shall be of full cut-off design.
- b. The types, designs and locations of all lighting shall be approved by the Board as a part of a its approval.

H. Affordable Housing.

1. The AH-8 Zone shall provide 50 affordable housing credits which shall include a minimum of 46 multi-family units and four (4) special needs bedrooms.

Section 4. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance shall apply.

Section 5. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 6. After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 7. After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least 10 days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and the County Planning Board.

Section 8. After introduction, the Township Clerk is hereby directed to provide by personal service or certified and regular mail, at least 10 days prior to the scheduled hearing, a Notice of Hearing in accordance with N.J.S.A. 40:55D-62.1 to: the owners of the properties affected by this Ordinance; the owners of all properties within 200 feet of the boundaries of the affected properties; the Office of Planning Advocacy; and any military facility commander who has registered with the municipality.

Section 9. After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1 is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and

where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

Section 10. Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

Section 11. Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

Section 12. In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township's official internet website.

Section 13. This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

INTRODUCED/PASSED ON FIRST READING: *February 9, 2026*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
YOUNG	✓			
COLUMBUS	✓			
OWENS	✓			
BEATRICE	✓			
SCHWORN	✓			

PUBLISHED: *February 13, 2026*

ADOPTED: *March 9, 2026*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
YOUNG	✓			
COLUMBUS	✓			
OWENS	✓			
BEATRICE	✓			
SCHWORN	✓			

ATTEST:

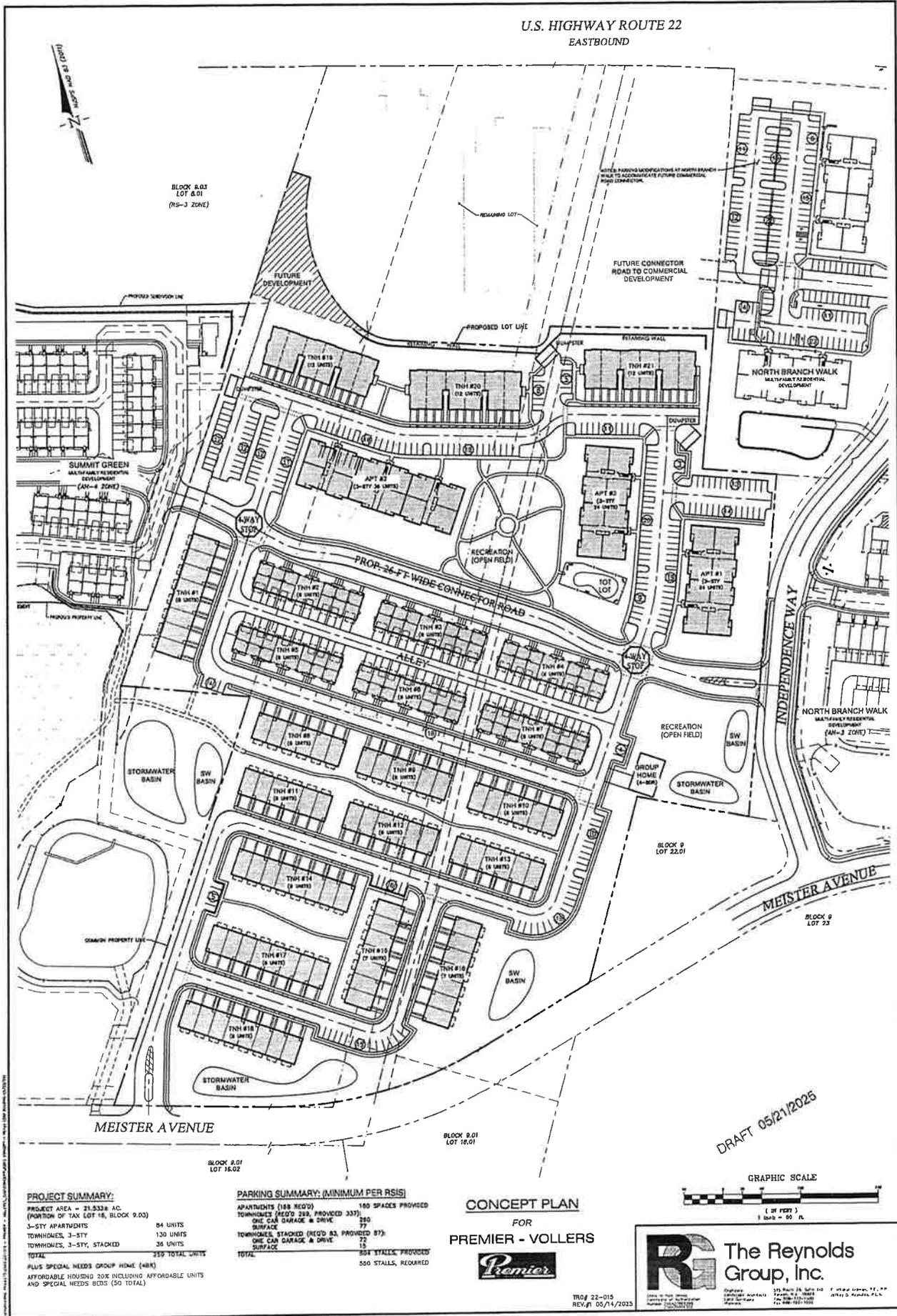
Maggie Schmitt

 Maggie Schmitt, RMC
 Township Clerk

James Schworn

 James Schworn
 Mayor

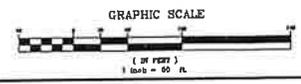
U.S. HIGHWAY ROUTE 22
EASTBOUND



PROJECT SUMMARY:
 PROJECT AREA - 21.5338 AC.
 (PORTION OF TAX LOT 18, BLOCK 9.03)
 3-STY APARTMENTS 04 UNITS
 TOWNHOMES, 3-STY 130 UNITS
 TOWNHOMES, 3-STY, STACKED 36 UNITS
 TOTAL 169 TOTAL UNITS
 PLUS SPECIAL NEEDS GROUP HOME (4-BED)
 AFFORDABLE HOUSING 20% INCLUDING AFFORDABLE UNITS
 AND SPECIAL NEEDS BIDS (50 TOTAL)

PARKING SUMMARY: (MINIMUM PER RSIS)
 APARTMENTS (169 REQ'D) 169 SPACES PROVIDED
 TOWNHOMES (REQ'D 289, PROVIDED 333) 380
 ONE CAR GARAGE & DRIVE SURFACE 77
 TOWNHOMES STACKED (REQ'D 83, PROVIDED 87) 72
 ONE CAR GARAGE & DRIVE SURFACE 15
 TOTAL 504 STALLS PROVIDED
 500 STALLS, REQUIRED

CONCEPT PLAN
 FOR
PREMIER - VOLLERS



The Reynolds Group, Inc.
 275 South 28th Street, Suite 100
 Fort Lauderdale, FL 33311
 Phone: 954.348.1111
 Fax: 954.348.1112
 Email: info@reynolds.com
 Website: www.reynolds.com

TROP 22-015
 REV#1 05/14/2025

EXHIBIT B

ORDINANCE NO. 2026-1508

ORDINANCE ADOPTING “AMENDED EVANS WAY REDEVELOPMENT PLAN” FOR THE PROPERTY IDENTIFIED ON THE BRANCBURG TAX MAP AS BLOCK 58, LOT 36, AND BLOCK 58.01, LOT 4, INCLUDING PORTIONS OF THE EVANS WAY RIGHT OF WAY ADJACENT THERETO PREVIOUSLY DETERMINED TO BE A NON-CONDEMNATION REDEVELOPMENT AREA

WHEREAS, S/K Stoney Brook Associates (“Property Owner”) is the owner of the property designated on the Tax Map of the Township of Branchburg, Somerset County, New Jersey, as Block 58, Lot 36 (+/- 38.09 acres) and Block 58.01, Lot 4 (+/- 5 acres), Branchburg, New Jersey; and

WHEREAS, pursuant to the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), the Township Committee may direct the Planning Board to conduct a preliminary investigation and public hearing to determine whether certain areas of the Township constitute areas in need of redevelopment; and

WHEREAS, on November 8, 2021, the Township Committee of the Township of Branchburg adopted Resolution No. 2021-237 authorizing and directing the Planning Board to undertake a preliminary investigation of the area identified on the Branchburg Township Tax Maps as Block 58, Lot 36 and Block 58.01, Lot 4, including certain portions of the Evans Way right of way adjacent thereto (“Study Area”) to determine whether the Study Area satisfies the criteria set forth in Section 5 of the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, at the direction of the Planning Board a “Redevelopment Study and Preliminary Investigation Report”, dated January 4, 2022, was prepared by the Township Planning Consultant; and

WHEREAS, on January 25, 2022, the Planning Board conducted a duly noticed public hearing in which testimony was received from the Planning Consultant and members of the general public were given an opportunity to pose questions and raise objections concerning the Redevelopment Study and Preliminary Investigation Report and the potential designation of the Study Area as an area in need of non-condemnation redevelopment; and

WHEREAS, based on the information and testimony received at the Planning Board hearing, the Planning Board determined that the Study Area satisfies the redevelopment criteria provided under N.J.S.A. 40A:12A-5, as memorialized in Resolution No. 2022-008 and recommended the Township Committee designate the Study Area as a Non-Condemnation Redevelopment Area pursuant to the Redevelopment Law; and

WHEREAS, on February 14, 2022, the Township Committee adopted Resolution No. 2022-60 accepting the recommendation of the Planning Board and designating the Study Area as a Non-Condemnation Redevelopment Area pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-5; and

WHEREAS, at the direction of the Township Committee, a Redevelopment Plan was prepared for the designated Study Area entitled “Evans Way Redevelopment Plan”; and

WHEREAS, on March 28, 2022, the Township Committee adopted Ordinance 2022-1424 adopting the Evans Way Redevelopment Plan and establishing a new Evans Way Redevelopment Plan Zone the development of which to be in accordance with the adopted Redevelopment Plan; and

WHEREAS, on May 10, 2022, the Township and Property Owner entered into a Redevelopment Agreement for the Study Area to develop the Study Area with three (3) warehouse and/or distribution buildings totaling approximately 300,300 square feet, accessory office space and other related site improvements with a 2.26 acre portion of the Study Area to be donated to the Township for municipal purposes as reflected on the plan titled “Evans Way Redevelopment Area Concept Plan” prepared by Colliers Engineering and Design, dated February 7, 2022; and

WHEREAS, Property Owner filed Application (Case No. 2022-010P – PFSP/PFSUB) with the Planning Board for preliminary and final major subdivision and site plan approval relating to the Study Area consistent with the Redevelopment Agreement and Redevelopment Plan to subdivide the Block 58, Lot 36, portion of the Study Area into three separate Lots with Lot 36 to be developed with a 200,750 square foot building, Lot 36.01 to be donated to the Township and Lot 36.02 to be developed with a 66,150 square foot building and the Block 58.01, Lot 4, portion of the Study Area to be developed with a 30,000 square foot building as depicted on the preliminary and final major subdivision and preliminary and final site plans prepared by Colliers Engineering & Design, dated August 19, 2022; and

WHEREAS, on June 27, 2023, the Planning Board adopted a memorializing Resolution approving the Application; and

WHEREAS, Property Owner thereafter expressed interest in developing the Block 58, Lot 36, portion of the Study Area with inclusionary residential housing as a means to satisfy the Township’s Fourth Round Affordable Housing obligation; and

WHEREAS, Property Owner and Township engaged in negotiations and Township agreed to adopt an Amended Evans Way Redevelopment Plan to accommodate development of the Block 58, Lot 36, portion of the Study Area with inclusionary residential housing consisting of 300 residential apartments units of which 20% or 60 units will be affordable and 100 residential townhouse units of which 20% or 20 units will be affordable and the Block 58.01, Lot 4, portion of the Study Area remaining as previously designated; and

WHEREAS, the Township Committee has reviewed the “Amended Evans Way Redevelopment Plan” and desires to adopt said Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Branchburg, County of Somerset, State of New Jersey, as follows:

Section 1. The “Amended Evans Way Redevelopment Plan” attached hereto as **Exhibit A** is hereby adopted in accordance with the Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.

Section 2. Attachment 8 - Evans Way Redevelopment Plan to the Land Development Ordinance of the Township of Branchburg is hereby repealed and replaced with the “Amended Evans Way Redevelopment Plan” attached hereto as **Exhibit A**.

Section 3. The Land Development Ordinance of the Township of Branchburg, Article III “Zoning”, Section 3-39 “EWRPZ Evans Way Redevelopment Plan Zone” is hereby repealed and replaced as follows: The development of the Evans Way Redevelopment Plan Zone is to be in accordance with the “Amended Evans Way Redevelopment Plan” which is Attachment 8 to this Chapter.

Section 4. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistencies or conflicts between this Ordinance and existing ordinances of the Township, the provisions of this Ordinance shall apply.

Section 5. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

Section 6. After introduction, the Township Clerk is directed to forward a copy of this Ordinance and the “Amended Evans Way Redevelopment Plan” to the Township of Branchburg Planning Board for Master Plan consistency review and recommendation in accordance with N.J.S.A. 40A:12A-7e.

Section 7. After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least 1 week prior to the scheduled hearing.

Section 8. Upon adoption, the Township Clerk, in accordance with N.J.S.A. 40:49-2 is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

Section 9. Upon adoption, the Township Clerk is directed to forward a copy of this Ordinance and the “Amended Evans Way Redevelopment Plan” to all record owners of property located within the delineated redevelopment area and to the Somerset County Planning Board.

Section 10. In accordance with N.J.S.A. 35:3-2a, the Township Clerk is further directed to publish the legal notices pertaining to this Ordinance on the Township’s official internet website.

Section 11. This Ordinance shall take effect upon adoption and publication according to law.

INTRODUCED/PASSED ON FIRST READING: *February 9, 2026*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
YOUNG	✓			
COLUMBUS	✓			
OWENS	✓			
BEATRICE	✓			
SCHWORN	✓			

PUBLISHED: *February 13, 2026*

ADOPTED: *March 9, 2026*

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
YOUNG	✓			
COLUMBUS	✓			
OWENS	✓			
BEATRICE	✓			
SCHWORN	✓			

ATTEST:

Maggie Schmitt

 Maggie Schmitt, RMC
 Township Clerk

James Schworn

 James Schworn
 Mayor

I. INTRODUCTION

Property identified as Block 58, Lot 36 and Block 58.01, Lot 4, on the Township of Branchburg (the "Township") tax map, and depicted on Redevelopment Plan Boundary Map in subsection c) below, was determined to be a "Non-Condemnation Redevelopment Area," pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Area") by resolution of the Township Committee of Branchburg Township ("Township Committee") on February 14, 2022 via Resolution #2022-60, annexed hereto as Exhibit C, which authorizes the Township to use all those powers provided by the New Jersey State Legislature for use in a redevelopment area other than the use of eminent domain.

The purpose of the Evans Way Non-Condemnation Redevelopment Plan (the "Redevelopment Plan") is to provide a comprehensive redevelopment plan that will allow and encourage the redevelopment of this area, while providing landscaped transition buffers between the Redevelopment Area and adjacent residential zones. In addition, the Redevelopment Plan contemplates the future use of a 2-acre portion of the Redevelopment Area for public use.

a) Redevelopment Plan Process and Status

The Township Committee began the redevelopment process directing the Township of Branchburg Planning Board ("Planning Board") to conduct a preliminary investigation of the area to determine if it met the statutory criteria for designation as a Non-Condemnation Redevelopment Area by Resolution No. 2021-237 adopted on November 8, 2021. The Planning Board held a public hearing on the findings of the preliminary investigation and recommended that the Township Committee designate the Redevelopment Area as a "Non-Condemnation Redevelopment Area" on January 25, 2022. The Planning Board found that the statutory criteria for an area in need of redevelopment under N.J.S.A. 40A:12A-5 c, e and h were met for the properties within the area proposed to be designated for redevelopment. The Township Committee accepted the Planning Board's recommendation and designated the Redevelopment Area as a "Non-Condemnation Redevelopment Area" on February 14, 2022.

b) Amendment for Fourth Round Housing Element and Fair Share Plan Compliance

In accordance with the Amended Fair Housing Act (FHA) signed into law in March 2024, the Township of Branchburg was required to adopt a Fourth Round Housing Element and Fair Share Plan (HEFSP). On June 24, 2025, the Planning Board approved the Township's HEFSP and the following night, June 25, 2025, the Township Committee endorsed the HEFSP, as memorialized in Resolution 2025-124.

The adopted HEFSP identifies "Evans Way/KRE" as one of the Township's compliance mechanisms to partially satisfy their Fourth Round prospective need obligation. The property, identified as Block 58, Lot 36, will provide 400 family units of which 80 units (20% affordable set-aside) will be restricted for moderate, low, and very-low income households equating to a density of approximately 10.5 dwelling units per acre. The development will consist of up to 300 apartment units of which 20%, or 60 units, will be affordable and 100 townhouse units of which 20%, or 20 units, will be affordable.

As part of the Township's continuing compliance with the FHA, the Township must adopt an amendment to the existing Evans Way Redevelopment Plan to permit inclusionary residential development and require the minimum affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 and 5:99 et seq. and N.J.A.C. 5:80-26.1. This amendment does not impact Block 58.01, Lot 4 nor does it change the 2-acre donation of land along Stony Brook Road for future open space and recreational purposes to the Township.

c) Plan Components

The Redevelopment Plan has been prepared pursuant to the Local Redevelopment and Housing Law. As required under statute, the Redevelopment Plan includes the following components (N.J.S.A. 40A:12A-7.a-f):

- Relationship to definite local objectives;
- Proposed land uses and building requirements;
- Relationship of redevelopment plan to master plans of contiguous municipalities, county master plan and other plans;
- Redevelopment regulations and relationship to municipal development regulations;
- Relationship of redevelopment plan to Master Plan
- Proposed location of public electric vehicle charging infrastructure.

The following components of a redevelopment plan are not applicable to the Redevelopment Area and are not included in the redevelopment Plan:

- Adequate provision for the temporary and permanent relocation, pursuant to N.J.S.A. 40A:12A-7.a(3), 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.
- Identification of property to be acquired, pursuant to N.J.S.A. 40A:12A-7.a(4), since the Redevelopment Plan is a “non-condemnation” redevelopment plan, and no properties are intended to be acquired through any other mechanisms;
- Inventory of affordable housing units to be removed because of the redevelopment plans; implementation, pursuant to N.J.S.A. 40A:12A-7.a(6), since there are no dwellings affordable to low- and moderate-income households, within the Redevelopment Area that will be removed; and
- Plan for the replacement of affordable housing units to be removed because of the implementation of the redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7.a(7), since there are no dwelling affordable to low- and moderate-income households, within the Redevelopment Area that will be removed.

II. BOUNDARIES

a) Properties

This Redevelopment Plan applies to the following blocks and lots:

- i) Block 58, Lot 36
- ii) Block 58.01, Lot 4
- iii) Portions of Evans Way right-of-way

b) Description

The Redevelopment Area is located in the southern portion of the Township and has frontages along three rights-of-way, i.e., Evans Way, Old York Road, and Stony Brook Road. The Redevelopment Area is irregularly shaped and has an approximate area of 43 acres. The Redevelopment Area is located within the I-2 Industrial Zone (5 Acre) (“I-2 Zone”). Adjacent to the north is the MDR Medium-Density

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Residential Zone; directly across Stony Brook Road to the west are the LD Low Density One Acre Residential District and the CF Community Facilities Zone; and adjacent to the east and south are additional properties within the I-2 Zone. The Redevelopment Area encompasses an area bounded by Block 46.04 to the north, Evans Way to the southeast, Old York Road to the south, and Stony Brook Road to the west.

The Redevelopment Area is located between a mix of uses within these several different zoning districts, including a multi-family condominium and townhouse complex to the north (Block 46.04 at 2000 Breckenridge Drive (*Society Hill at Branchburg*)), single-family residences and community facilities including sports courts to the west (Block 59), and industrial and office uses to the east and south (Blocks 58, 58.01).

The Redevelopment Area is a 43-acre area consisting of two (2) tax lots, Block 58, Lot 36 and Block 58.01, Lot 4, and portions of Evans Way right-of-way.

c) Redevelopment Area Boundary Map and Amendment of the Township Zoning Map

A boundary map of the Redevelopment Area entitled Evans Way Redevelopment Area Map, dated March 11, 2022 is attached and shall govern the boundaries of the Redevelopment Area subject to this Redevelopment Plan.

The Township zoning map shall be amended upon the adoption of this Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7.c to identify the Redevelopment Area as the "Evans Way Redevelopment Plan".

III. LOCAL OBJECTIVES

The Redevelopment Plan provides a framework of regulations for the redevelopment of the Redevelopment Area to:

- a) Provide appropriate site improvement and performance standards to guide and facilitate redevelopment that reflects the Township's development pattern and character.
- b) To provide a variety of industrial and warehouse uses while promoting environmentally sensitive designs.
- c) To provide compatible infill development of remaining vacant parcels within the Township.
- d) To provide and promote access to recreation and community facilities for the residents of the Township.
- e) To maintain the quality of municipal facilities that contribute to the quality of life for existing and future residents of the Township.
- f) Creation of new warehousing uses and community facilities, while sustaining existing neighborhoods and residences.
- g) To provide necessary site improvements including, but not limited to, streets, off-street parking, land for public improvements, and landscaping.
- h) Coordination of redevelopment activities in order to provide development consistency with the surrounding community, and providing a transitional element between the surrounding area's adjacent industrial, commercial and residential areas.

- i) Utilize setbacks, architectural design elements, and building massing regulations to maintain light and air to the street and adjacent properties with reasonable measures.
- j) Establish minimum stormwater management requirements and controls for development in order to reduce direct discharges to surface waters, to reduce flooding and erosion, and to enhance groundwater recharge, and rainwater harvesting.
- k) Reflect the goals and objectives of the New Jersey Municipal Land Use Law (“MLUL”).
- l) To provide a variety of affordable housing types and to partially satisfy and implement the Township’s Fourth Round prospective need obligation.

IV. RELATIONSHIP TO LAND DEVELOPMENT ORDINANCE

The Redevelopment Plan envisions the development of residential, industrial, warehouse, distribution, and community uses within the Redevelopment Area while providing a transition from the surrounding residential districts with the use of landscaped transition buffers between the Redevelopment Area and adjacent residential zones.

This Redevelopment Plan shall supersede the zoning provisions of the Township’s Land Development Ordinance (“LDO”). However, with respect to matters and standards not addressed by the Redevelopment Plan, the standards of the LDO in existence at the time that this Redevelopment Plan is adopted shall, if applicable, apply to the Redevelopment Area as permitted by N.J.S.A. 40A:12A-7.a(2); and all references to the LDO, or to various provisions of the LDO, set forth herein are intended to be references to the LDO as it exists as of the date of adoption of this Redevelopment Plan.

As specified herein, redevelopment, and any plan approved by the Planning Board depicting said redevelopment, shall be consistent with the terms of this Redevelopment Plan, subject to any relief permitted to be granted from its provisions. The redevelopment conceptually depicted on the concept plan annexed here to as Exhibit “A” (the “Concept Plan”) is an example of the redevelopment which is permitted by this Redevelopment Plan.

V. RELATIONSHIP TO THE MASTER PLAN AND PLANS OF OTHER JURISDICTIONS

The following sections provide an overview of the Redevelopment Plan as related to the goals and objectives of the Township Master Plan and plans of other jurisdiction.

a) Township of Branchburg Master Plan

The Redevelopment Plan achieves the following stated objectives of the Township Master Plan:

- i) To provide for a diversity of non-residential uses in appropriate locations to provide for a balance of land uses within the Township.
- ii) To promote a diversity of non-residential uses that provide high quality employment, goods and services, and contribute to Branchburg's fiscal health.
- iii) To provide for a variety of industrial uses in the Township's industrial zones while promoting environmentally sensitive designs.
- iv) To provide for the development and redevelopment of the Route 202 corridor.

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- v) To provide for the orderly, compatible infill development of remaining vacant parcels within the Township.
- vi) To protect established neighborhoods from intrusive and incompatible development.
- vii) To provide for substantial buffers where different uses or intensities of uses abut one another.
- viii) To provide and promote access to open space, recreation, and community facilities for the residents of the Township.
- ix) To provide for the expansion and safe linkage to private and public open spaces within neighborhoods.
- x) To promote design and other techniques that result in energy and water conservation and minimize the impact of development on the environment.
- xi) To address the Township's affordable housing obligation.
- xii) To provide for a variety of housing types compatible with the size and scale of the surrounding area servicing a broad range of needs of Township residents of all ages and income levels.
- xiii) To address the affordable housing obligation with the minimum amount of new residential construction.

b) Somerset County Master Plan

The Somerset County Housing Element was adopted as an element of the County Master Plan in November 2017. The Amended Evans Way Redevelopment Plan will permit residential inclusionary development. These changes support the following principles, goals and objectives noted in the County Housing Element:

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

Planning Objectives:

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

3.D. Promote efficient land use patterns and residential densities that provide "economies of scale" necessary for cost-effective infrastructure maintenance, renewal and enhancement.

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

Planning Objectives:

4D. Strengthen pathways to homeownership and financial opportunities that improve access to quality housing for all residents.

Guiding Principle 5: Support efforts to advance the Federal and State Fair Housing Acts and

“Affirmatively Furthering Fair Housing” requirements.

Planning Objectives:

5A. Create opportunities to increase the supply of affordable housing necessary for meeting the needs of all types of very-low, low- and moderate-income households.

5C. Match affordable housing solutions to community characteristics and infrastructure and community system capacity; while conserving and protecting environmental, cultural and historic resources.

5E. Promote inclusive neighborhoods.

The Somerset County Investment Framework (CIF) was adopted as an element of the County Master Plan in October 2014, replacing the 1987 Land Use Management Map. The Redevelopment Area is located in the Imclone/202 Corporate Area Priority Growth Investment Area (PGIA). PGIA's are defined as:

“[A]reas where primary economic growth and community development strategies that enhance quality of life and economic competitiveness are preferred; and where appropriate, growth-inducing investments are encouraged. PGIA's are areas where development and infrastructure assets are already concentrated...”

Specifically, the Imclone/202 Corporate Area PGIA is identified as an “industrial park/employment node” area. The Somerset County Investment Framework Element of the County Master Plan states:

“Municipalities wishing to encourage economic growth, development, and the repositioning and reuse of underutilized properties must accommodate this growth through supportive land use policies, including zoning that allows for a mix of land uses, increased density, and the establishment of redevelopment areas, where appropriate. ...A number of Somerset County's PGIA's could benefit from greater concentrations of housing and/or nonresidential land uses. Potential changes to zoning codes include, but are not limited to...the allowance of higher floor-area ratios (FARs) for commercial and industrial uses...”

The Redevelopment Area is specifically identified as a low improvement to land value (ILV) ratio. Furthermore, the Total Build-Out Summary for the Imclone/202 Corporate Area identifies the Redevelopment Area as a vacant potentially developable land (VPDL) with approximately 1.5 million square feet in new non-residential floor area. The summary recommendation for the PGIA is as follows: “[w]hile transportation options serving this PGIA are limited, more intense non-residential land uses should be encouraged here.” This Redevelopment Plan will realize approximately 30,000 square feet of non-residential door area of the total projected VPDL.

c) Township of Readington Master Plan (Adjacent Municipality)

The Redevelopment Plan area is located approximately 0.6 miles from the municipal and county boundaries of the Township of Readington and Hunterdon County. The Township of Readington Master Plan documents share many of the same goals to encourage economic development, promote the free flow of traffic, and environmental preservation. Areas within Readington are zoned within the Agricultural Residential (AR) Zone follow by the Solberg-Hunterdon Airport Safety and Historic Airport District. There are other industrial zones throughout the Township including the Research

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Office and Manufacturing (ROM-1) Zone and the Research Office and Manufacturing Park (ROM-2) Zone. The dominant land use within the eastern portion of the Township of Readington, which are nearest to the Redevelopment Area, is the Solberg-Hunterdon Airport. The Redevelopment Plan is not anticipated to impact any land within the Township of Readington and, as such, is not inconsistent with the Master Plan.

d) New Jersey State Development and Redevelopment Plan

Most of the Township, and the entirety of the Redevelopment Area, is designated as a "Suburban Planning Area 2" (PA 2) in the New Jersey State Development and Redevelopment Plan. The development envisioned by the Redevelopment Plan is in conformity with the "State Planning Act"

P.L. 1985, c. 398 (C.52: 18A-196 et al) as well as the Master Plan of Somerset County and all contiguous municipalities. The Redevelopment Plan achieves the following intended goals for the Suburban Planning Area in the State's Plan:

- i) Provide for much of the state's future development;
- ii) Protect the character of existing stable communities;
- iii) Protects natural resources; and
- iv) Revitalizes towns.

VI. GENERAL REQUIREMENTS

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

- a) Prior to the commencement of any construction that would require site plan approval under Section LDO6-2.1, a site plan for same shall be submitted to the Planning Board for review and site plan approval.
- b) Impact Fee — Costs necessary for off site or off-tract infrastructure improvements associated with the sanitary sewer utility for projects within the Redevelopment Area are the responsibility of the redeveloper for either (A) the sanitary sewer connection to the existing main located within the easement adjacent to the northern portion of the Redevelopment Area, as shown on the Concept Plan, or (B) a sanitary sewer extension within the Stony Brook Road right-of-way, subject to the terms of Section VI(e) below. Any contribution for all other off-tract improvements may be required only in accordance with and subject to N.J.S.A. 40:55D-42. For the avoidance of doubt, this provision supersedes any off-site or off-tract improvement requirements set forth in the LDO.
- c) Right-of-way Vacation — Certain portions of Evans Way are to be vacated by the Township and transferred to private ownership in accordance with the Right of Way Vacation Plan annexed hereto as Exhibit "B".
- d) Storm Sewer Regulations and Controls - All new development shall comply with the Township Ordinance No. 2021-1411 imposing the same standards as are embodied in the NJDEP Stormwater Management Rules.
- e) Sanitary Sewer Connection

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- i) Buildings on Lot 36. The redeveloper shall have the right to connect the sanitary sewer service for the proposed residential townhouses, rental apartments, and any associated buildings on Lot 36 as depicted on the Concept Plan into an existing manhole identified on the Concept Plan, provided that no new easements are required from third parties for such connection, or if any such easements are required, the redeveloper in its sole judgment is able to acquire such easements in a reasonable manner and at a reasonable cost (it being understood that said manhole is located in a paper street which may or may not have been vacated by the Township, and that even if it was vacated, the Township may have reserved its rights to maintain, and connect into, the sewer improvements in that paper street). If the connection into that existing manhole is not feasible, such as due to the inability to obtain any necessary easements, then the redeveloper shall have the right to connect into an existing sewer main in Stony Brook Road, which will require an approximately 850-foot-long extension of that main, at the sole cost and expense of the redeveloper, in a southerly direction from the Baird Road/Stony Brook Road intersection. That installation of the sewer main in Stony Brook Road shall be subject to the following standards:
- (1) It must be designed, installed and constructed to meet the demands of potential future connections into it by the existing residences on lots which have frontage adjacent to the portion of the Stony Brook Road right-of-way in which the sewer main is installed (it being agreed that the redeveloper shall have no responsibility to connect, or pay for the connection of, those residences into said sewer main).
 - (2) In connection with its installation, trees and vegetation in the Township right of way, other than lawn area, shall be preserved.
- ii) Building on Block 58.01, Lot 4. In recognition of the projected sanitary sewer design flow for the anticipated development on Block 58.01, Lot 4 being approximately 750 gallons per day ("gpd"), the sanitary sewer service for that building shall be permitted to connect into the existing sewer main in Evans. Subject to the foregoing, the location of sewer mains, lines and improvements shall be subject to approval of the Township Engineer and Planning Board.

f) Building Height

Building height shall be measured by the vertical distance from the average finished grade to the top of the highest roof beams of a flat roof, the deck level on a mansard roof, and the mean level of the highest gable (the average height between the eave and the ridge of the gable roof) or slope of a hip roof.

Where an apartment building is constructed with a stepped foundation to account for slope of the grade, average finished grade, for the purposes of calculating building height, shall be measured as the average of the two uphill (higher) corners of the stepped apartment building.

A story shall be defined as per the LDO, which includes any basement floor as a story. Mezzanines are defined as a partial floor between the floor and ceiling above, which do not exceed one-third of the size of the floor below. Mezzanines shall not be considered a story.

g) Comer and Through Lots; Yard Designation

In the case of comer lots, or through lots which run through from one street to another, yard areas along each street shall be considered as front yards and shall conform to the front yard requirements of the Redevelopment Plan. Notwithstanding the foregoing, to the extent there is inconsistency between any yard designation on the Concept Plan and the provisions set forth in the Redevelopment Plan and the LDO, it is the intention of this Redevelopment Plan for the yard designations in the Concept Plan to

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prevail.

h) Subdivisions

The Redevelopment Plan anticipates subdivisions as the examples provided in the Concept Plan. In addition, the townhouses and/or affordable stacked flat buildings provided on Lot 36 may be subdivided to provide for individual fee simple and/or condominium ownership based on future development standards that requires an amendment to this Redevelopment Plan. The Redevelopment Plan seeks to accommodate future subdivision of the Redevelopment Area. The Redevelopment Plan is exempt from or supersedes Section LDO 5-1.

i) Trailer Parking

Trailer parking shall be permitted as an accessory use. Trailer parking shall be limited to short-term location of trailers within designated trailer parking spaces. Trailers may be detached from tractors when located within designated trailer parking spaces. Trailers shall not be used for outdoor storage of goods and materials. Trailers shall not be stored for period greater than one week.

j) Steep Slopes

The Redevelopment Plan is exempt from Section LDO 5-1.31.

k) Tree Removal, Reforestation and Tree Replacement

The Redevelopment Plan is exempt from Section LDO 5-11 in areas of disturbance as conceptually depicted on the Concept Plan.

l) Sidewalks

The Redevelopment Plan is exempt from Section LDO 5-3.10. Applicable standards are provided in Streetscape Requirements Section of this Redevelopment Plan.

m) Deviation Requests

Any application for a deviation from the requirements of the Redevelopment Plan shall provide public notice of such application in accordance with the requirements of public notice as set forth in the MLUL (N.J.S.A.40:55D-12a and b.). Deviations shall not be granted from use regulations and any use deviations shall require an amendment to the Redevelopment Plan by the Township Committee. All other deviations may be granted by the Planning Board from the standards contained in the remaining sections herein, or within the LDO. Consideration of deviations from zoning regulations, other than use regulations, shall be undertaken pursuant to the requirements of the MLUL found at N.J.S.A. 40:55D-70.c. Consideration of design exceptions shall be undertaken pursuant to the requirements of the MLUL found at N.J.S.A. 40:55D-51. Consideration of submission waivers shall be undertaken pursuant to the requirements of the MLUL found at N.J.S.A. 40:55D-10.3.

VII. REDEVELOPMENT REGULATIONS

The Redevelopment Regulations set forth shall apply unless amended or supplemented below.

- a) Use Regulations for Lot 4. The following industrial use standards apply only to the Lot 4 sub-area of the Redevelopment Area:

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- i) Permitted Uses on Lot 4 (Industrial): The following principal uses may be developed within the Lot 4 sub-area of the Redevelopment Area.
 - (1) Warehouse with accessory office.
 - (2) Distribution with accessory office.
 - (3) Scientific and research laboratories devoted to the research, design, and experimentation in processing and fabricating incidental thereto.
 - (4) Office buildings for executive, engineering, and administrative purposes.
 - (5) Assembly and fabrication using previously manufactured components.
 - (6) Alternative energy uses.
 - (7) Municipal and governmental uses, parks, community centers, playgrounds, or other municipal facilities, excluding residential uses, and only on Lot B conceptually depicted on the Concept Plan.
 - (8) Agricultural uses.
 - (9) Common driveways providing access to directly adjacent lots.
 - (10) Utility, telecommunications etc.
 - (11) All other permitted uses in the 1-2 Zone.
- ii) Accessory Uses
 - (1) Accessory uses customarily incidental and ancillary to a permitted use.
 - (2) Warehousing directly related and accessory to the principal use for the storage of any type of goods, materials, products, supplies, or equipment used in connection with the principal permitted use or any products produced in connection with the principal permitted use.
 - (3) Off-street parking
 - (4) Signs
 - (5) Gate house
 - (6) Fences and walls
 - (7) Refuse disposal
 - (8) Photovoltaic solar panels or similar renewable energy uses.
 - (9) Parking structures
 - (10) Trailer parking
- iii) Multiple Uses and Structures

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(1) Multiple principal uses shall be permitted on one lot and/or within one building.

(2) Multiple principal buildings and structures shall be permitted on one lot.

iv) Prohibited Uses

(1) All uses not specifically permitted in the Redevelopment Plan are prohibited.

b) Use Regulations for Lot 36. While the parties recognize that the layout has not yet been engineered, residential development shall be generally in accordance with the Concept Plan. The following residential use standards apply only to the Lot 36 sub-area of the Redevelopment Area:

i) Permitted Uses on Lot 36 (Residential): The following principal uses may be developed within the Lot 36 sub-area of the Redevelopment Area.

(1) Residential uses to a maximum of 400 total units on Lot 36, including any subdivided portion thereof:

(a) Townhouses in common ownership for rental or for-sale.

(b) Rental apartments

(c) Affordable housing. A minimum of 80 affordable housing units that may be split between townhouses, stacked townhouses, and rental apartments as appropriate and conforming to the requirements of the Uniform Housing Affordability Controls (UHAC). The development will consist of up to 300 apartment units of which 60 units will be affordable and up to 100 townhouse units of which 20 units will be affordable

ii) Accessory Uses

(1) Accessory uses customarily incidental and ancillary to a permitted use.

(2) Private garages and off-street parking

(3) Patios

(4) Fences and walls

(5) Business office

(6) Buildings for tenant storage, maintenance and storage of maintenance equipment, or any combination thereof

(7) Clubhouse; pool; community buildings which may include a mock-up of dwelling unit interior and rental office

(8) Conservation areas, recreation, open space, and public purpose uses

(9) Stormwater management facilities and other utilities

c) Bulk Regulations

i) Industrial Bulk Requirements (Lot 4)

The following bulk requirements are applicable to the industrial uses permitted within the Lot 4 sub-area of the Redevelopment Area:

- (1) Minimum lot area: 4 acres.
- (2) Minimum frontage: N/A
- (3) Minimum setback: Setbacks are established as conceptually depicted on the Concept Plan.
- (4) Maximum building height: 50 feet
- (5) Maximum number of stories: 3 stories
- (6) Maximum impervious coverage: 65%.

ii) Residential Bulk Requirements (Lot 36)

The following bulk requirements are applicable to the residential uses permitted within the Lot 36 sub-area of the Redevelopment Area:

(1) Overall tract requirements

- (a) Maximum number of overall dwelling units: 400 units
- (b) Maximum % of 4-bedroom market rate townhouses : 75%
- (c) Minimum setbacks: Setbacks are established as conceptually depicted on the Concept Plan as follows:
 - (i) Minimum setback from public rights-of-way (Stony Brook Road, Old York Road, and Evans Way): 50 feet.
 - (ii) Minimum setback from MDR Zone: 100 feet. This setback shall be a non-disturbance buffer in accordance with section VIII.h. of this Redevelopment Plan.
 - (iii) Minimum setback from I-2 Zone and Lot 4 sub-area: 50 feet.
- (d) Impervious coverage shall not exceed 65% of gross tract area
- (e) Building coverage shall not exceed 25% of gross tract area

(2) Townhouses

The following bulk requirements shall apply to the entire townhouse sub-area on Lot 36. Further subdivision to individual fee simple townhouses shall be permitted provided the following bulk requirements are satisfied on an entire sub-area tract basis.

- (a) Maximum number of townhouses: 100 units
- (b) Maximum dwelling units in one building: 8

- (c) Maximum building height: 45 feet
- (d) Maximum number of stories: 3 stories
- (e) Minimum distance between buildings: 20 feet
- (f) Minimum distance from front façade to private street curbline: 20 feet
- (g) Minimum distance from side façade to private street curbline: 15 feet
- (h) Townhome min driveway length: 20 feet between the building and the sidewalk.

(3) Rental Apartments

- (a) Maximum number of rental apartments: 300 units
- (b) Maximum building height: 55 feet
- (c) Minimum distance between buildings: 30 feet
- (d) Minimum distance from building façade to private street curbline: 10 feet. With the exception that assigned parking spaces are permitted to abut the face of the building where ground floor rental garage spaces are included, provided those spaces are assigned to the same tenant as the garage unit. Both the covered garages and tandem surfaces spaces are permitted to be counted towards the minimum off-street parking requirements of section VIII.g of this Redevelopment Plan.
- (e) Adequate secure storage areas for tenant use shall be provided in a conveniently accessible location within the apartment building or in a separate building where storage will not constitute a fire hazard and where belongings can be kept locked and separated from the belongings of other occupants.

iii) Municipal and Governmental Uses

The following bulk requirements are for municipal uses within the Redevelopment Area.

- (1) Minimum front yard: Front yard of 75 feet from street center line or 50 feet from right-of-way line.
- (2) Minimum side and rear yards: Side and rear yard setbacks of 75 feet for principal structure and 25 feet for off-street parking and other accessory structures.
- (3) Maximum lot coverage: 25%.
- (4) Minimum Lot size: Lot size sufficient for all required yards and off-street parking.

iv) Agricultural uses are subject to the regulations set forth in Section LDO4-6.

v) Accessory Building and Structure Bulk Requirements – Lot 4

- (1) Accessory buildings and structures may be located within required front, side and rear yard areas as conceptually depicted on the Concept Plan.

- (2) Tractor trailer bodies or shipping containers shall not be considered accessory buildings or structures and shall not be used for temporary or permanent storage.
- (3) Tractor trailer spaces or shipping containers may be located within front, side or rear yards as conceptually depicted on the Concept Plan.
- vi) Accessory Building and Structure Bulk Requirements – Lot 36
- vii) All accessory buildings or structures shall be constructed generally in accordance with the Concept Plan. Any deviations or additions shall be approved by the Board.

VIII. DESIGN REQUIREMENTS

The following Design Requirements have been prepared for the Redevelopment Area and are intended to supersede the LDO.

a) Building Requirements

- i) All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights-of-way and off-street parking, height, bulk, and street alignment.
- ii) Access by the elderly, physically handicapped, and/or disabled shall meet applicable barrier free design regulations as specified in the New Jersey and Federal ADA Standard Uniform Construction Code.

b) Streetscape Requirements

- i) Main entrances to buildings shall be located near primary access or vehicular parking areas. Secondary entrances may be provided from parking area(s) and/or necessary according to the design of the building.
- ii) Main entrances shall be designed to be attractive and functional. Indicators such as an awning or other indicators consistent with the design, proportions, material, and character of the surrounding area shall be provided.
- iii) Sidewalks shall be required to connect vehicular parking areas to the main building entrances and where necessary to meet code. For industrial uses, sidewalks shall be permitted to be located up to the face of the building. For residential uses, a minimum landscaping buffer of 4-ft shall be provided between any sidewalk and building foundation wall except at entrances and garages.
- iv) Street trees shall be planted outside the right-of-way, in a ten-foot tree planting easement adjacent to the right-of-way.
- v) Lighting within the Redevelopment Area shall sufficiently illuminate all areas to prevent “dark corners”. All lighting sources must be shielded to mitigate glare. For industrial uses, the area of illumination shall have a uniform pattern of at least 0.5 footcandles. For residential uses, pedestrian walkways adjacent to streets must maintain a minimum average of 0.3 footcandles. Any walking trails provided throughout the redevelopment are not subject to these lighting requirements.
- vi) Lighting shall be provided by fixtures with a mounting height of not more than 20 feet for vehicular parking areas, and not more than 25 feet for truck and trailer loading areas, measured from the

ground level to the center line of the light source.

- vii) Cul-de-sacs — The Redevelopment Plan shall comply with Section LDO5-3.5, with the exception that any new cul-de-sacs shall not be longer than 1,500 feet.
 - viii) All driveways for all uses other than for municipal or governmental uses within the Redevelopment Plan Area shall connect to the Evans Way right-of-way.
- c) Building design standards for industrial uses on Lot 4

The objective of the building design standards is to provide overall high quality and complementary design of buildings. The exterior appearances of buildings shall complement the character of existing development in the surrounding area.

- i) Building mass. Solid and unarticulated buildings are discouraged. The mass and scale of buildings shall be reduced by staggered building walls or other architectural treatments at least every 100 feet to provide architectural interest and reduce the large-scale visual impact of buildings and to encourage imaginative design for individual buildings. Building design shall consider the following elements:
 - (1) The use of variations in height, roof lines and grade definitions is required to reduce the perceived height and mass of a building.
 - (2) Building entries shall be readily identifiable through the use of canopies, marquees and architectural treatment.
 - (3) Clusters of mature landscaping and berms shall be provided along the building facade.
 - (4) The landscaping clusters shall include a variety of flowering and standard species of trees such as maples and oaks, evergreens and tall shrubs.
 - (5) Wall texture changes shall be provided.
 - (6) Small-scale elements, such as planter walls and hedges, shall be clustered around building entrances.
- ii) Building Materials for industrial uses on Lot 4
 - (1) One dominant material shall be selected and used through each building on a site.
 - (2) The front and two side elevations of all buildings and/or structures shall be constructed of brick, architectural block or architectural precast concrete. Painted or natural utility concrete panels or masonry units may be used on rear elevations and in loading dock areas.
 - (3) Roof design shall be as aesthetically pleasing as possible (e.g. color, material, grouping) to minimize visual impact to adjacent uses and particularly residences.
 - (4) Glass windows or some similar architectural treatment shall occupy at least 5% of the front elevation of a building.
 - (5) Glass windows facing any residential use or district shall be designed to provide an adequate amount of daylighting for the structure while minimizing the visual impacts (ie light, glare,

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etc.) on adjacent residential areas. Glass windows facing any residential use or district shall have a maximum exterior reflectance of 20% and minimum interior reflectance of 28%.

- (6) Glass, metal, masonry, wood, and other natural materials are preferred and encouraged at building entrances and in locations where close contact between buildings and the public is likely.
 - (7) Plant or site-cast precast concrete façades are permitted.
 - (8) EIFS (Exterior Insulating Finishing Systems), cement board, concrete or split-face block, and/or plastic type artificial siding materials are permitted.
- iii) Building material color and texture for industrial uses on Lot 4
- (1) Texture patterns shall be provided to create shadow patterns which will reduce the high visibility of the building.
 - (2) Variations in color shall be kept to a minimum.
 - (3) Colors shall be subdued in tone.
 - (4) Accent colors may be used to express corporate identity.
- iv) Building design standards for residential uses on Lot 36
- (1) General requirements
 - (a) Building facades shall consist of brick, stone, cast stone, vinyl, cementitious panel or plank siding, or other high-quality material.
 - (b) Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building. Windows shall be vertically proportioned.
 - (c) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
 - (2) Townhouses
 - (a) Each townhouse building shall contain at a minimum, two end unit models.
 - (b) Townhouses shall avoid long, monotonous, uninterrupted walls or roof planes. Each string of townhouses shall use features such as wall offsets, porticos, bay and accent windows, dormers, and door color to add architectural interest and variety.
 - (c) Materials shall be unified among all townhouses, including all affordable townhouses and/or stacked flat buildings.
 - (d) The maximum change in elevation between the step footings of each townhouse bay shall not exceed 16 inches.
 - (3) Rental Apartments

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- (a) Apartment buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
 - (b) The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors, and details.
 - (c) Gable and hipped roofs shall be used to the greatest extent possible. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Flat roofs are permitted provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.
 - (d) All rooftop mechanical equipment shall be screened from view.
- v) Location
- (1) When nonresidential uses are adjacent to residential uses, a transition buffer in accordance with Section VIII.i of this Redevelopment Plan shall be provided to create a transition between buildings of contrasting scales, provide a visual transition and buffer adverse impacts.
 - (2) No buildings shall be constructed closer than 25 feet to an adjacent building on the same site.
 - (3) Roof overhangs may extend a maximum of six feet into setback areas.
- vi) Pedestrian circulation.
- (1) On-site concrete or brick sidewalks shall be provided to create a continuous pedestrian network on a site.
 - (2) Secure and convenient pedestrian walkway access shall be provided from parking lots, sidewalks and primary entrances to the building. Sidewalks shall be barrier-free, a minimum of four feet in width and shall be set back a minimum of five feet from all buildings.
 - (3) Walking trails, to serve as an extension of the White Oak Park trail system, shall be provided throughout the existing wooded area to remain behind the rental apartment sub-area, as conceptually depicted on the Concept Plan. Any such trails shall be constructed and maintained by the redeveloper and allow for public access via easement agreement granted to the Township.
- d) Maximum Building Height Exception
- i) Roof structures for elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate, maintain, heat and cool the building (including refrigeration equipment), solar panel facilities or other similar renewable energy equipment skylights, spires, parapets, cupolas, chimneys or similar structures may be erected above the height limits prescribed by the Redevelopment Plan but in no case shall exceed 10% of the maximum height permitted in the zone and further provided not more than 10% of the roof area is occupied by such facilities, with exception for solar panel facilities which may occupy up to 90% of the roof area.

- e) Retaining Wall Requirements
 - i) Retaining walls shall be permitted a maximum height of 12 feet for Lot 4 and 8 feet for the residential uses.
 - ii) Retaining walls may be buffered by a combination of the following:
 - (1) Terracing, which divides the retaining wall into more than one retaining wall structure at successively higher elevations.
 - (2) Landscaping within the terraces between the retaining wall structures.
 - (3) Landscaping, and/or the existing vegetation, in the buffer areas along Stony Brook Road and along the adjacent MDR zoning district.
- f) Fence Requirements – Lot 4
 - i) Standard fencing may be 6 feet in height.
 - ii) Security fencing around loading and storage areas may be 8 feet in height.
 - iii) Any fencing shall be permitted in front, side or rear yards and within buffer areas.
- g) Off-Street Parking and Loading Requirements
 - i) The following are the required minimum parking ratios:
 - (1) Warehouse and/or distribution uses: 1 parking space per 5,000 square feet of gross floor area and 1 parking space per 250 square feet of gross floor area of accessory office space.
 - (2) Assembly and fabrication uses: 1 parking space per 800 square feet of gross floor area.
 - (3) Principal office use with under 49,999 square feet of gross floor area: 1 parking space per 225 square feet of gross floor area.
 - (4) Principal office use with 50,000-99,999 square feet of gross floor area: 1 parking space per 250 square feet of gross floor area.
 - (5) Principal office use with 100,000 or more square feet of gross floor area: 1 parking space per 285 square feet of gross floor area.
 - (6) Scientific and research laboratories: 1 parking space per 250 square feet of gross door area.
 - (7) When the computation to determine off-street parking results in the fraction of a space, a fraction of 0.5 or higher shall be considered a requirement of one additional space.
 - (8) For the avoidance of doubt, the “Flexible buildings” parking requirement set forth in Section LDO4-4.2.B shall not be applicable.
 - (9) Residential uses shall be parked in compliance with the Residential Site Improvement Standards (R.S.I.S.) of N.J.A.C. 5:21.

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- (10) Visitor parking for the townhouse sub-area on Lot 36 shall be provided in accordance with the minimum R.S.I.S. guest parking requirements of N.J.A.C §5.21-4.14. Guest parking shall be provided for the townhouse sub-area by off-street parking spaces, distributed throughout the development.
- (11) EV parking spaces shall be located on surface parking spaces.
- (12) Management Office shall have 2 dedicated parking spaces
- (13) Every townhouse shall have at least one enclosed garage with a minimum size of 12 feet wide and 270 sf. Any stacked flat townhouse units shall be exempt from this requirement.
- ii) Whenever there is more than one use conducted on any one parcel or multiple parcels, parking spaces shall be provided in accordance with the combined requirements of each use as shown in the above schedule or in such lesser amount as approved by the Planning Board under a shared parking arrangement.
- iii) Where the total number of off-street parking spaces required may not be immediately required for a particular use, a banked parking/staged development plan shall be permitted.
- iv) The width of driveways and curb cuts leading to parking areas shall be limited to 15 feet for one-way traffic and 30 feet for two-way traffic.
- v) All required parking spaces shall be a minimum of 9 feet wide by 18 feet long. A maximum of 10% of the required parking may be permitted as compact spaces with minimum dimensions of 8 feet wide by 16 feet long provided any such spaces are designated as such by means of signage and/or striping.
- vi) Townhouse driveways shall not exceed 5% slope.
- vii) Townhouse minimum driveway width: 12 feet
- viii) Driveways located within a bay of townhouses shall not exceed 4 inches in elevation.
- ix) Driveways adjacent to the step foundation shall be graded to 4:1 slope or a wall constructed 2 feet from the driveway edge.
- x) Two-way drive aisles shall be a minimum of 24 feet wide.
- xi) Standard striping, as opposed to hairpin striping, shall be permitted.
- xii) Loading Requirements.
- (1) For all nonresidential development requiring the receipt or shipping of materials or merchandise, there shall be provided and maintained on the same premises with such building a minimum of one standard off-street loading space measuring 15 feet by 60 feet with a fourteen-foot clearance above grade in accordance with the following standard:
- | | |
|----------|--|
| 1 space | Up to 30,000 square feet of floor area |
| 2 spaces | 30,000 to 50,000 square feet |

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1 additional space Each additional 50,000 square feet or portion thereof.

- (2) Where receipt or shipping of goods is customarily carried out in other than tractor trailers, one 10 feet by 30 feet delivery zone per building, convenient to an entrance or exit, shall be provided and designated.
 - (3) Loading spaces and delivery zones required in Section VIII.h.viii(1) and VIII.h.viii(2) may be satisfied by loading dock spaces adjacent to the building.
 - (4) Off-street loading shall be permitted in yard areas as conceptually depicted on the Concept Plan.
 - (5) Drive-in loading docks shall be permitted.
- xiii) Access and parking areas may be designed to be interconnected via cross-easements with adjacent properties and shall utilize common or shared driveways for ingress and egress, to minimize the disruption of traffic flow, reduce access points to adjacent roadways and reduce conflicts with pedestrian traffic. Any owners of property may meet the required provisions by participating in a joint parking program involving two or more business uses; provided, however, that plans for such a joint program shall have been approved by the Planning Board.
- (1) Access to the townhouse sub-area on Lot 36 shall be provided via driveway on Stony Brook Road. The access shall be aligned with the existing driveway entrance to White Oak Park as conceptually depicted in the Concept Plan. It is anticipated that any such access driveway will pass through a portion of the 2-acre land to be donated to the Township. The Township shall agree to permit residential access via easement agreement. A secondary means of access may be permitted to Evans Way West.
 - (2) Access to the rental apartments sub-area on Lot 36 is permitted from both Evans Way east and west.
- xiv) A minimum of 5% of the total square footage of a passenger vehicular parking area shall be landscaped with shrub plantings no higher than 3 feet and/or shade trees. Such landscaped areas shall be distributed throughout the parking area. The landscaping should be located in protected areas such as along walkways, in center islands, or at the end of bays. No landscaping is required in truck and trailer parking areas.
- xv) One shade tree measuring a minimum of three inches in caliper at the time of planting shall be provided for every five parking spaces in the vicinity of the parking lots. The preservation or relocation of existing trees is encouraged to meet this requirement. This provision excludes trees required for landscape buffers or street tree planting.
- xvi) A maximum of 20 parking spaces shall be permitted in a row without a curbed planting island of nine feet in width.
- h) Transition Buffers
- i) The transition buffers conceptually depicted on the Concept Plan shall be the only buffers required in the Redevelopment Area:
 - (1) A minimum 100-foot non-disturbance transition buffer along the northern property line ,

adjacent to the MDR Zone.

(2) A 50-foot transition buffer along Stony Brook Road and Old York Road.

- ii) These transition buffers shall be collocated, rather than additive, with the setback requirements provided in section VII.c)ii)(1)(b) in this Redevelopment Plan.
 - iii) Disturbance for grading and berming shall be permitted within the 50-foot transition buffer. The only disturbance within the 100-foot non-disturbance transition buffer shall be for supplemental plantings at the discretion of the Board.
 - iv) All deciduous trees shall have a minimum diameter of 3 inches at planting.
 - v) Existing vegetation and wooded areas within the transition buffer shall be preserved and serve as the required transition buffer planting. Where necessary, the transition buffer may be supplemented with shade tolerant naturalistic massed plantings where necessary to complete screening of adjoining land uses.
 - vi) Accessory structures (excluding sound wall), outdoor storage, loading docks, refuse disposal, truck access drives and parking areas shall not be located within a yard on the site that is abutting a residential zone or use without an intervening building or appropriate screening, such as landscaping. Parking and circulation are permitted within yard areas as conceptually depicted in the Concept Plan. A sidewalk shall be provided along Stony Brook Road connecting the Township dedicated lot to Old York Road.
- i) Solid Waste and Recyclables
- i) There shall be at least one location for trash disposal and recyclable material situated either within a building or within the front, side, or rear yard. Exterior trash and recyclable containers shall be fully screened with a gated enclosure constructed of board-on-board fence or a similar material. The distance between opposite boards shall not exceed two inches. The enclosure shall not exceed a six-foot height and shall be buffered from within the site and from any lot line or street line with landscaping.
 - ii) Solid waste and recycling storage areas shall be set back a minimum of 10 feet from adjoining property lines. The location and number of recycling containers, and the collection and disposition of recyclables shall be provided on the site plan and approved by the Planning Board. Solid waste and recycling storage areas shall not be located in required buffer areas.
 - iii) Adequate access shall be provided to all solid waste and recycling storage facilities. Such access shall accommodate the type of vehicle normally used for the collection of wastes. The area for recycling shall be large enough to accommodate the recyclables being collected by a private hauler.
 - iv) For each rental apartment building in the sub-area on Lot 36, trash receptacles and compactors shall be located in at least one central location. Exterior trash and recyclable containers shall be fully screened with a gated enclosure constructed of similar materials and design as the buildings. Site design shall provide a separate man door or access gate into the enclosure. The pedestrian route to the enclosure from the apartment building shall be ADA accessible.
 - v) For the townhouse sub-area on Lot 36, solid waste and recycling pick-up shall be curbside at each individual unit. Solid waste containers shall be stored in the garages.

j) Site Protection

Topsoil may be removed from the site only upon final grading or used as fill. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least six inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. Additional topsoil shall be provided as directed by the Township Engineer or soil conservation district. A soil erosion and sediment control plan shall be approved as part of the site plan.

k) Affordable Housing

- i) A minimum of 20% of the total dwelling units shall be affordable to moderate, low, and very-low income households in accordance with the affordable housing requirements of UHAC, or any successor or replacement governing entity that exists at the time of final development approval.
- ii) The distribution of affordable housing units shall be dispersed throughout project and of the size and product type governed by UHAC regulations.
- iii) Affordable housing units shall not be age restricted.

IX. SIGNAGE

a) Permitted Signage for industrial uses on Lot 4

i) Façade Signage

- (1) A maximum of one façade or wall sign as herein regulated shall be permitted for each separate tenant of the premises. Where a building is served with a rear or side entrance or entrances opening to a parking area intended to be used by the public, as approved by the Planning Board, each tenant with such entrance shall be permitted an additional façade sign over such entrance not exceeding 80 square feet and the entrance does not face Stony Brook Road or any residential use or district.
- (2) The maximum area occupied by any individual façade sign facing Internal roads and not including Stony Brook Road or any residential use or district shall not exceed 1.5% of the total façade elevation area or 200 square feet, whichever is less and shall not exceed a total of 400 square feet for all façade signs for each building. The area occupied shall consist of both lettering/graphics and the space between the same.
- (3) All signs attached to a building facade shall extend a maximum of six inches from the wall on which it is mounted. The top of any facade signs shall be permitted to be located up to the height of a vertical wall or eaves to which they are attached.
- (4) Any facade sign shall be constructed of durable material and be attached securely to the building with nonrusting metal hardware.
- (5) The maximum vertical dimension of any facade sign shall not exceed ten feet.
- (6) Internally and externally illuminated facade signs are permitted.
- (7) Multiple facade signs in multi-tenant buildings shall be located at a uniform height above grade and shall be architecturally composed in terms of their size and position on any building.

(8) No facade sign shall be visible from Stony Brook Road.

ii) Freestanding Signage

(1) One freestanding sign is permitted for each curb cut entrance to any property.

(2) On corner lots where the distance between signs on separate frontages exceeds 200 feet measured along the right-of-way line, one freestanding sign for each frontage is permitted when no curb cut exists on one frontage.

(3) Internally and externally illuminated freestanding signs are permitted.

(4) Freestanding signs shall not be located closer than 10 feet to any street right-of-way or lot line.

(5) No freestanding sign shall exceed a height of 16 feet, an area of 75 square feet per sign face, or width of 20 feet.

(6) All signs shall be placed in a location which will allow sufficient reaction time for drivers on the adjacent roads to safely enter and exit the site.

(7) Freestanding signs shall be supported by posts, pylons, base, or enclosures of durable materials which may include concrete, steel, treated wood, other suitable material or combination of same.

(8) Freestanding signs shall consist of materials and colors similar to and compatible with the principal structure.

(9) The components of a freestanding sign relating to a number of businesses shall be arranged in an aesthetically compatible and visually coordinated manner.

(10) No freestanding signs for uses other than municipal or governmental uses shall be permitted on Stony Brook Road.

b) Permitted Signage for residential uses on Lot 36

i) Monument Signage

(1) At each entrance to the individual townhouse and rental apartment sub-areas, a maximum of two monument signs shall be permitted.

(2) The maximum sign area (excluding the base) shall be 40 square feet per side. A monument sign may have two sides, which are parallel to each other.

(3) The maximum sign height shall be six feet above grade.

(4) Monument signs shall be set back a minimum of ten feet from any property line and located outside of any sight triangles.

(5) Monument signs may be externally illuminated.

ii) Street Address and Building Signage

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- (1) Street address or building signage is required on each building or individual units.
- (2) Numbers on the townhouses and stacked townhouses shall be a maximum of 1.5 feet in height.
- (3) Numbers or letters on the rental apartments shall be a maximum of three feet in height.
- (4) Address monuments in front of each rental apartment shall be permitted up to a maximum of five feet in height and ten square feet per side.
- (5) All address signage may be internally or externally illuminated.

c) Wayfinding Signage

- i) Multiple wayfinding signs shall be permitted in locations as approved by the Planning Board.
- ii) Wayfinding signs may reference uses on adjacent lots.
- iii) A wayfinding sign shall not exceed a maximum of ten square feet per side. A wayfinding sign may have two sides, which are parallel to each other.

d) Temporary Signage

- i) Temporary signage shall be in accordance with LDO 4-8.10.
- ii) Temporary signage for leasing or events shall be permitted.

e) Prohibited Signage

- i) Prohibited signage shall be in accordance with LDO 4-8.8.

X. GENERAL REDEVELOPMENT PROVISIONS

The following provisions shall apply to all properties located within the Redevelopment Area:

a) Demolition prior to construction

Upon demolition of existing structures, the site shall be graded and planted or sodded, with a durable dust free surface according to NJDEP standards in the interim period prior to construction of new buildings.

b) Site Plan Review

Site plan review shall be conducted by the Planning Board pursuant to N.J.S.A. 40:55D-1 et seq. Applications may be submitted for the entire project or in any number of phases.

c) Performance Guarantees

As part of any site plan approval, the Planning Board may require a developer to furnish applicable guarantees and inspection fees pursuant to N.J.S.A. 40:55D-53 et seq. Such guarantees shall be in favor of the Township in a form approved by the Township Committee. The amount of any such guarantees shall be determined by the Township Engineer in conformance with applicable law.

d) Redevelopment Agreement

Once a redeveloper has been selected, the Township shall enter into a redevelopment agreement with the designated redeveloper that comports with the requirements of N.J.S.A. 40A:12A-9 (the "Redevelopment Agreement"). Any development or construction within the Redevelopment Area shall be undertaken in accordance with the Redevelopment Agreement.

e) Amendment

Upon the adoption of the Redevelopment Plan, the Township may not thereafter amend the Redevelopment Plan for a period of ten (10) years following the full execution of the Redevelopment Agreement; provided, however, that the Township and the redeveloper may mutually agree to an amendment of the Redevelopment Plan as it affects the redeveloper's property from time to time or at any time. Severability - If any word, phrase, clause, section or provision of the Redevelopment Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan shall remain in full force and effect.

XI. PROVISIONS IN COMPLIANCE WITH STATE AND LOCAL LAWS

In accordance with N.J.S.A. 40A:12A-7.a(1)-(8) of the New Jersey Local Redevelopment and Housing Law, a Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- a) The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, intensity of development, and improved traffic, public utilities, recreation and community facilities and other public improvements, as provided in Section III of the Redevelopment Plan.
- b) The Redevelopment Plan has provided proposed land uses and building requirements for the Redevelopment Area, as provided in Sections VII through IX of the Redevelopment Plan.
- c) There are no existing residents within the Redevelopment Area. As such, there is no need to provide the temporary or permanent relocation of residents.
- d) The Redevelopment Plan is a non-condemnation redevelopment plan and, as such, there will be no property acquired by the effectuation of the Redevelopment Plan.
- e) The Redevelopment Plan indicates the relationship with the master plans of contiguous municipalities, the Somerset County Master Plan and the New Jersey State Development and Redevelopment Plan, as provided in Section V of the Redevelopment Plan.
- f) The Redevelopment Plan provides for a list of permitted principal uses, as well as uses accessory to the principal use in the Redevelopment Area. The plan also provides for development restrictions through the use of lot sizes, maximum height limits, as well as setback requirements and various design controls.
- g) There are no existing housing units affordable to low- and moderate-income household within the Redevelopment Area. As such, there is no need to provide an inventory of units that are to be removed or to provide a plan for the provision of affordable replacement housing units.
- h) The Redevelopment Plan has laid out various strategies needed to be implemented in order to carry out

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the objectives of the Redevelopment Plan.

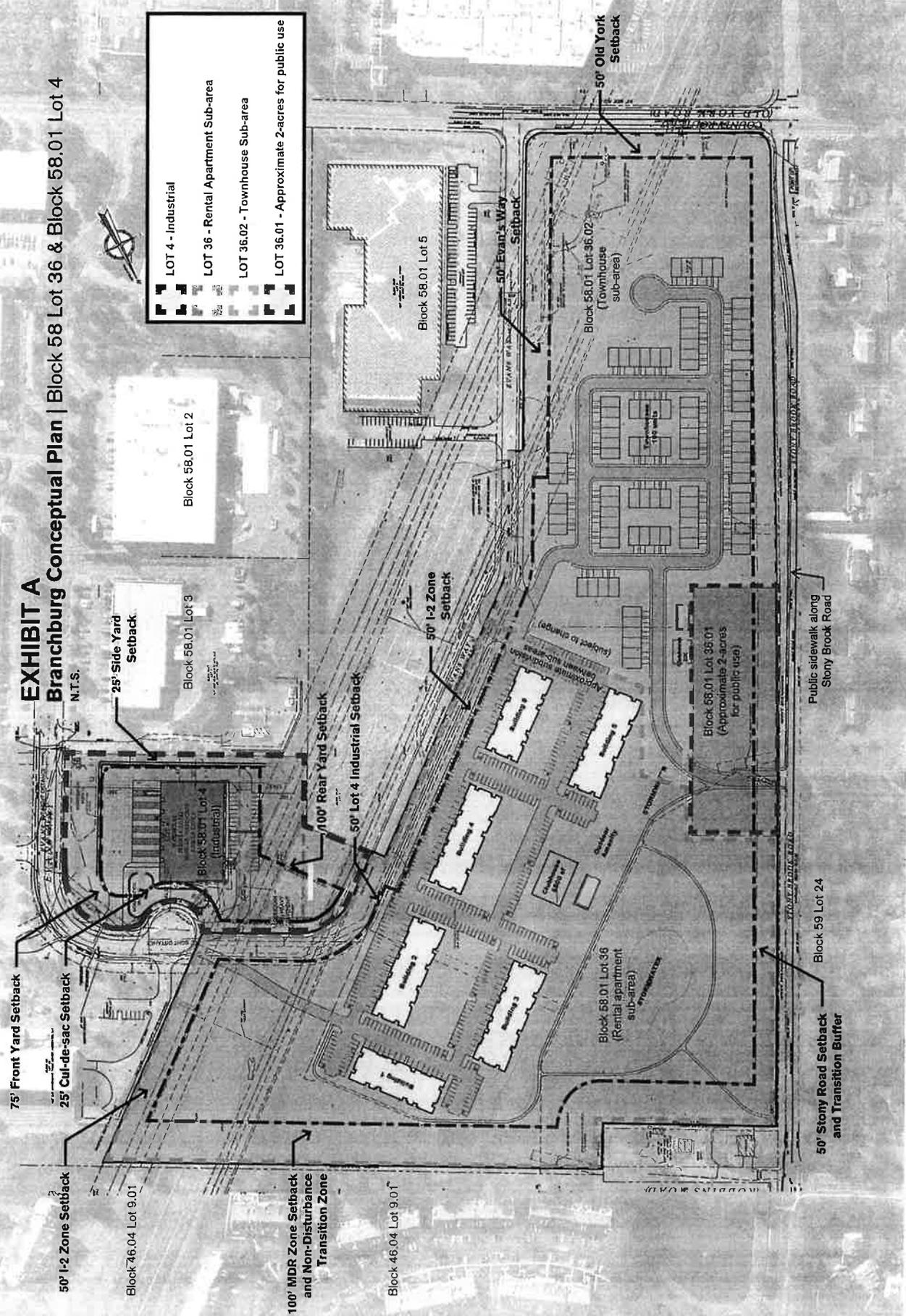
- i) The Redevelopment Plan is not contrary to the goals and objectives of the Township Master Plan. The Redevelopment Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan in that the Redevelopment Plan and the State's plan both recognize the need to redevelop urban land.
- j) The Redevelopment Plan shall supersede all provisions of the Township LDO that are addressed herein. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board shall have the authority to grant deviations from the requirements of the Redevelopment Plan, as provided herein. Concurrently with final adoption of the Redevelopment Plan by the Township Committee of the Township of Branchburg, the Township Zoning Map shall be amended to rezone the Redevelopment Area covered by the Redevelopment Plan as a Redevelopment Area, and all underlying zoning will be voided.

XIII. EXHIBIT A

EXHIBIT A

Branchburg Conceptual Plan | Block 58 Lot 36 & Block 58.01 Lot 4

N.T.S.



- LOT 4 - Industrial
- LOT 36 - Rental Apartment Sub-area
- LOT 36.02 - Townhouse Sub-area
- LOT 36.01 - Approximate 2-acres for public use