

200-216 GARFIELD AVENUE REDEVELOPMENT PLAN



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CITY OF PLAINFIELD, NEW JERSEY

200-216 Garfield Avenue Redevelopment Plan

City of Plainfield, Union County, New Jersey

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Prepared for:



The original of this report was signed in accordance with NJSA 45:14A-12.

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TABLE OF CONTENTS

1.0 INTRODUCTION	5
1.1 Statutory Requirements	
2.0 DISTRICT OVERVIEW	6
2.1 Plan Area	
2.2 Existing Land Use	
2.3 Existing Zoning	
2.4 District Issues	
3.0 REDEVELOPMENT PLAN	9
3.1 Purpose	
3.2 Goals and Objectives	
3.3 Compatibility with State and Local Plans	
3.4 Statutory Basis for the Redevelopment Plan	
3.5 Definitions	
4.0 PROPOSED LAND USE PLAN	15
4.1 Land Use Plan	
4.2 District Standards	
4.3 Design Standards	
5.0 PROJECT REVIEW PROCESS AND AMENDMENTS TO THE PLAN	22
5.1 Site Plan and Subdivision Applications	
5.2 Powers of the Planning Board	



TABLE OF CONTENTS

6.0 IMPLEMENTATION OF THE PLAN _____ 23

- 6.1 Selection of Redeveloper
- 6.2 Certification of Completion
- 6.3 Statutorily Permitted Actions
- 6.4 Agreements with Redevelopers
- 6.5 Equal Opportunity
- 6.6 Period of Applicability
- 6.7 Relocation Assistance

LIST OF FIGURES

- 1. Redevelopment Plan Area Map
- 2. Tax Block and Lot Map
- 3. Existing Land Use Map
- 4. Existing Zoning Map
- 5. Land Use Plan Map

1.0 INTRODUCTION

On May 9, 2022, the City Council adopted Resolution 188-22 directing the Planning Board to study City Tax Block 334, Lot 2, commonly known as 200-216 Garfield Avenue (the “Redevelopment Area”) to determine if it met the criteria to be designated a non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law (the “LRHL”), N.J.S.A. 40A:12A-5. Resolution 188-22 also directed the Planning Board to prepare a redevelopment plan for the Redevelopment Area should the Planning Board recommend that the Redevelopment Area be designated as an area in need of redevelopment.

This Plan includes the City’s vision for the Redevelopment Area and provides a framework for development and redevelopment. The Redevelopment Area Study Area is a corner site with street frontages along Garfield Avenue to the north and East Second Street to the west. It consists of approximately 0.93 acres and is located in the 1st Ward of the City of Plainfield (the “City”).

The findings of the “Area in Need of Redevelopment” Investigation found that the Redevelopment Area demonstrates vacancy, underutilization and an overall need for revitalization. The Redevelopment Area has experienced numerous issues, including negligence of maintenance. The intentions of this Redevelopment Plan are to address the existing site deterioration, ensure property utilization, and facilitate revitalization by activating the site with viable appropriate and complementary uses. The Plan envisions activating new uses to the Netherwood community that will support existing and new residents.

This Redevelopment Plan satisfies the requirements of N.J.S.A.

40A:12A-7.

1.1 Statutory Requirements

The LRHL, N.J.S.A. 40A:12A-1 et seq. provides that a redevelopment plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
4. An identification of any property within the redevelopment area proposed to be acquired in accordance with the redevelopment plan;
5. Any significant relationship of the redevelopment plan to:
 - A. The master plans of contiguous municipalities;
 - B. The master plan of the County in which the municipality is located; and
 - C. The State Development and Redevelopment Plan adopted pursuant to the “State Planning Act” P.L. 1985, c. 398(N.J.S.A. 52:18A-196, et seq.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing

units; affordable to low- and moderate- income households, as defined pursuant to section 4 of P.L. 1985 c. 222 (N.J.S.A. 52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions listed by affordability level, number of bedrooms, and tenure.

7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

This Plan provides the statutory framework for redevelopment within the Redevelopment Area. There are no existing affordable housing units identified as to be removed as a result of the implementation of this Plan.

2.0 DISTRICT OVERVIEW

2.1. Redevelopment Area Boundary

As shown on Map 1, the Redevelopment Area is located in the City's 1st Ward. Spanning the entirety of Block 334, Lot 2 (as shown on the Tax Map on Map 2), the Redevelopment Area covers a land area of approximately 0.93 acres. The Redevelopment Area is a corner site with street frontages along Garfield Avenue to the north and East Second Street to the west. The Redevelopment Area

consists of one tax parcel, as shown on Map 2. The Redevelopment Area has a total area of approximately 0.93 acres and is in the City's 1st Ward.

The Redevelopment Area is situated approximately 0.33 miles west of the Netherwood Train Station. Additionally, there are multiple New Jersey Transit bus routes that serve the City. The Redevelopment Area is located approximately 101 feet north of bus stops along NJ Transit Bus Route 59, which provides access to Newark, and 875 feet southeast of the bus stops along East Front Street (NJ Transit Bus Route 114).

2.2. Existing Land Use

The Redevelopment Area is currently vacant with no buildings present. The existing Redevelopment Area land use is shown on Map 3.

2.3. Existing Zoning

As shown on Map 4, the entire Study Area is located within the Neighborhood Commercial (NC) Zoning District. As discussed in the City's Zoning Ordinance (Section 17:9-12), this zone is "intended to include commercial areas that serve the specific surrounding neighborhoods. The scale and intensity of development should not intrude into but complement the character of the residential neighborhoods they serve." This zone permits the following uses:

- Mixed-use residential dwellings
- Childcare centers per N.J.S.A 40:55D-66.6
- Retail
- Personal service establishments



Map 1: Redevelopment Area

200-216 GARFIELD AVENUE REDEVELOPMENT PLAN



Source: City of Plainfield Tax Map 12

Map 2: Tax Map

- Laundromats
- Offices
- Banks
- Funeral homes/mortuary
- Restaurants
- Commercial centers, public and non-profit
- Nursing homes
- Houses of worship
- Assisted living facilities
- Senior citizen housing
- Adult day care facilities
- Recording studios
- Repair shops

3.0 THE REDEVELOPMENT PLAN

3.1 Purpose

This Plan serves as a guide for future development and redevelopment within the Redevelopment Area. It sets forth a framework for design standards and statutory guidelines that will enhance and improve the Redevelopment Area. The zoning and design standards in this Plan shall supersede the City's Land Use Ordinance.

The main goal of this Plan is to draw redevelopment projects and bring economic activity to the Redevelopment Area, while integrating into the existing residential and neighborhood commercial land use pattern in a harmonious manner.

3.2 Goals and Objectives

This Redevelopment Plan intends to promote redevelopment through the implementation of neighborhood commercial and mixed-use development. This Plan proposes to achieve the following policy goals and objectives:

Alleviate Existing Blighting Conditions

- o Capitalize on opportunities for infill redevelopment while simultaneously address the needs of the community
- o Introduce new uses to this area of the Netherwood community

Attract Neighborhood Commercial and Mixed Use Development

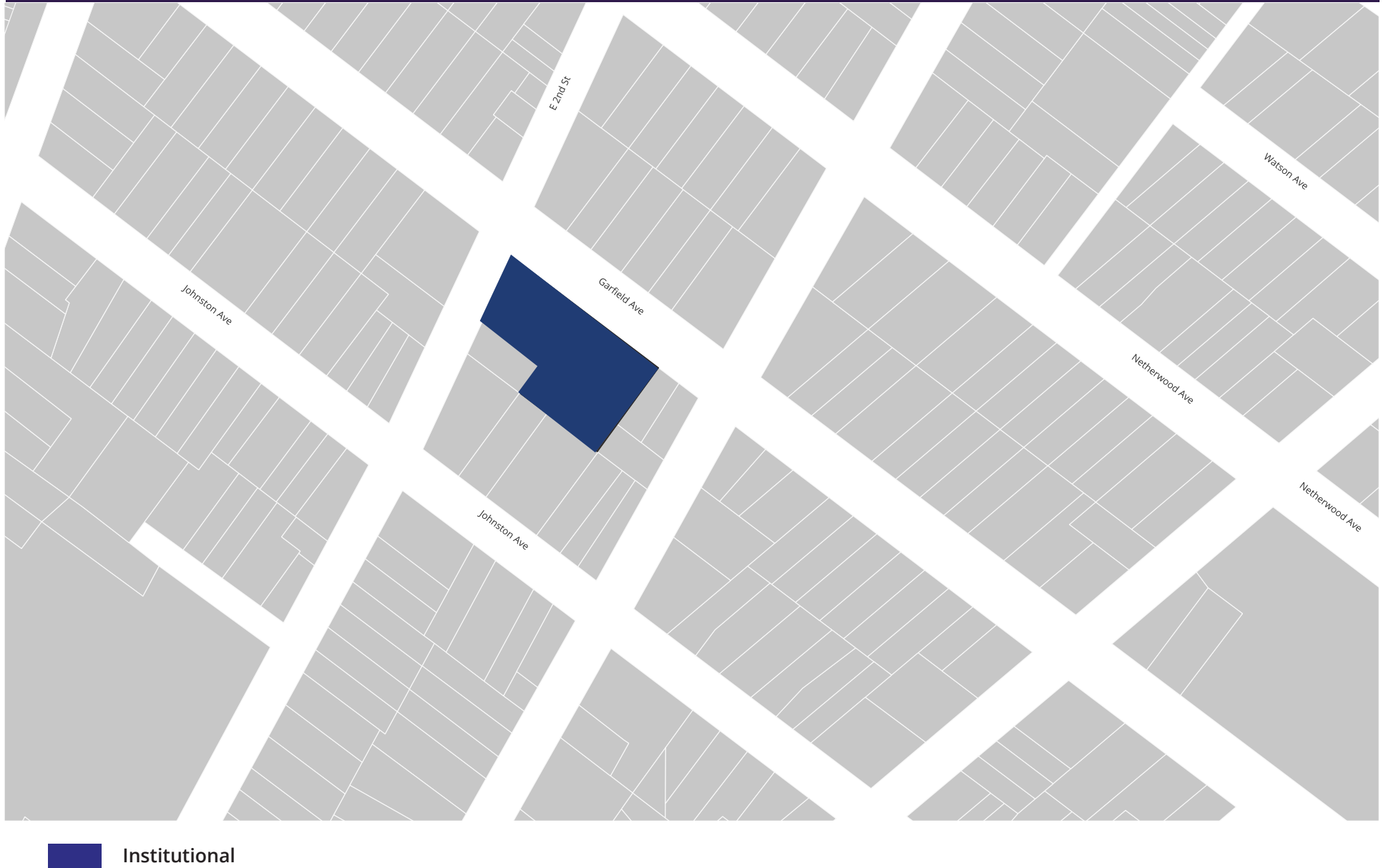
- o Integrate new and compatible uses into the Netherwood community
- o Initiate local economic development through job creation
- o Encourage an array of neighborhood commercial uses that will serve local residents

Design for Safe Circulation, Parking and Accessibility

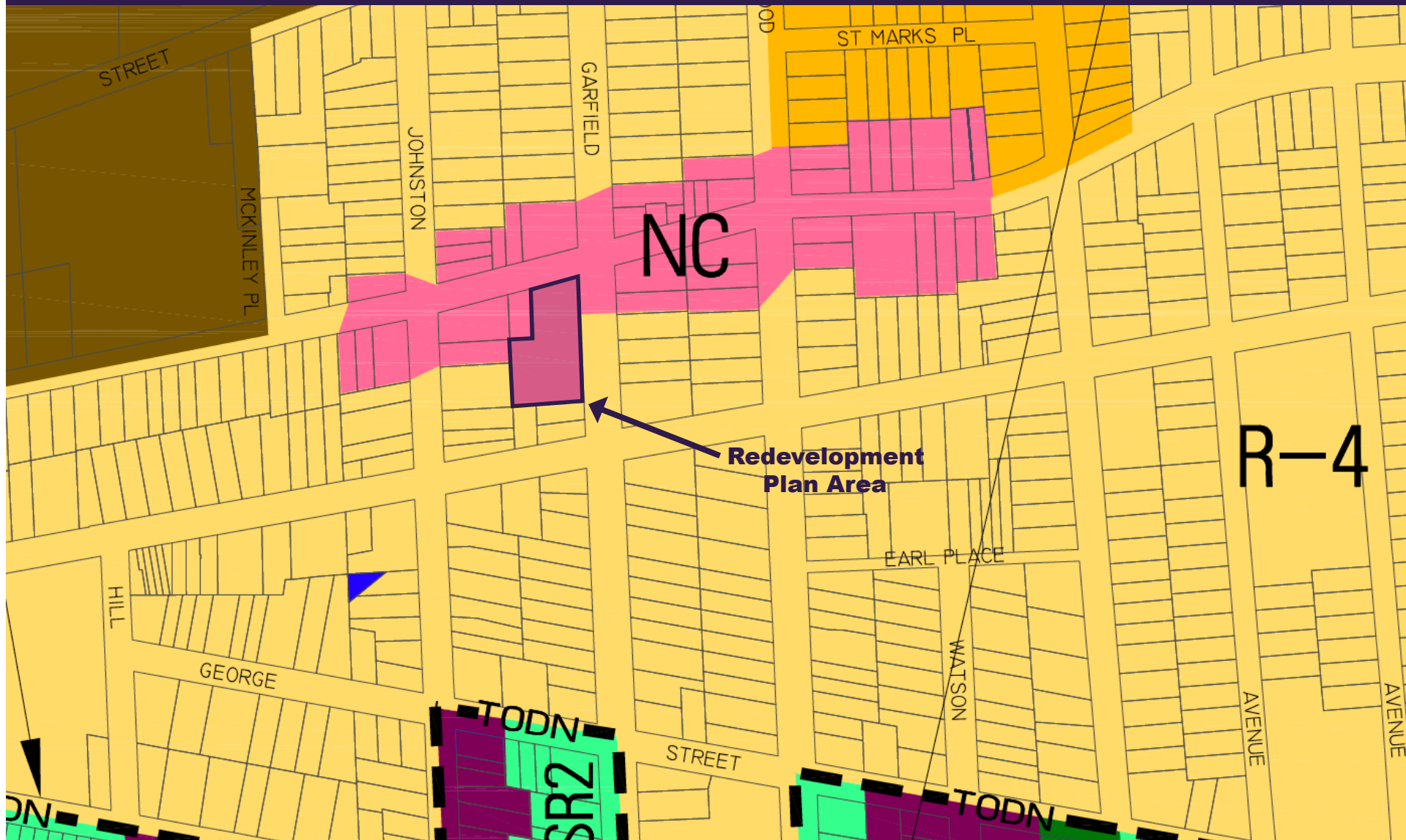
- o Support the usage of alternative modes of transportation, including public transportation, bicycle or scooter
- o Improve site circulations and safety among vehicles, cyclists and pedestrians alike
- o Encourage pedestrianism through the implementation of streetscape standards

Reinforce Sustainability Elements into the Redevelopment Area

- o Reduce the heat island effect through the planting of street trees and vegetated corridors
- o Encourage the implementation of energy efficient building



Map 3: Existing Land Use



Source: City of Plainfield Zoning Map

Map 4: Existing Zoning

standards and features in new construction

- o Encourage use and reuse of energy efficient materials
- o Implement elements of Smart Cities, such as solar-powered trash compactor bins and smart lighting on streetscapes

3.3. Compatibility with State and Local Plans

State Development and Redevelopment Plan

This Plan is consistent with the goals and policies set forth in the State Development and Redevelopment Plan (the “SDRP”) in promoting planned development within a Metropolitan Planning Area (PA1); an area that is targeted for growth in compact form. It is further consistent through its emphasis on promoting economic development by encouraging infill development, public-private partnerships and infrastructure improvements. It also fulfills the SDRP’s intention in the Metropolitan Planning Area of revitalizing cities and towns and providing much of the State’s future redevelopment.

Union County Master Plan

Generally, the Redevelopment Plan is compliant with the Union County Master Plan. The objectives and policies of this Redevelopment Plan are consistent with the goals and objectives outlined in the 1998 Union County Master Plan. The Land Use Element of the County Master Plan serves as a guide to the extent and intensity of future development within the County. As it relates to redevelopment, one of the objectives is to promote new development and redevelopment that is consistent and compatible with existing settlement patterns. This Redevelopment Plan ensures that all new development functions and operates

within the framework of the neighborhood while being mindful of the existing buildings and structures to provide a cohesive development pattern.

Plainfield’s 2020 Master Plan

This Redevelopment Plan is consistent with the City’s 2020 Master Plan. Specifically, the following goals, objectives and excerpts are applicable to the Redevelopment Plan:

- Continue to further the goals from the 2009 Master Plan: Revitalize/redevelop underutilized areas. (Land Use Element, pg. 20)
- Promote the redevelopment of vacant, abandoned and underutilized properties. (Economic Development, pg. 66)
- The Neighborhood Commercial (NC) zone located on East Second Street (between Leland and Johnston avenues) has not seen the level of development anticipated, primarily due to its being located within a flood zone. This plan recommends that the City continue to work with the Green Brook Flood Zone Commission and the appropriate county and state agencies, to ameliorate the flood condition. (Land Use Element, pg. 38; Summary of Recommendations, pg. 207).
- The viability of the NC zone designation in this area, under current conditions, will remain limited. (Land Use Element, pg. 38)
- The 2009 Master Plan acknowledged that Neighborhood Commercial (NC) nodes developed in several areas of the City have declined in usage. Subsequently many retail businesses in these neighborhood centers have closed or moved out of the City. (Land Use Element, pg. 24)
- The lack of other services, including banks, restaurants and entertainment was a frequently expressed as a concern by residents

who want and need viable neighborhood commercial areas, especially located in the City's western part. (Land Use Element, pg. 24)

- The NC land use pattern is composed of uses that principally serve the specific surrounding neighborhoods. Neighborhood commercial development is intended to permit uses necessary to meet daily needs of residents, such as personal services, grocery stores, drug stores and convenience stores that primarily serve neighborhoods nearby. Higher intensity commercial uses are not permitted. The scale and intensity of development should not intrude into but rather complement the character of the residential neighborhoods they serve. Neighborhood commercial land use patterns are principally designated to serve the South Avenue, East Second Street, Plainfield Avenue and Clinton Avenue neighborhoods. (Land Use Element, pg. 27)

The Redevelopment Area is primed for redevelopment activities based on its unique characteristics, including its size, dual street frontage and accessibility to mass transportation. This makes the Redevelopment Area uniquely suited for new development that will complement the existing Netherwood community while attract new residents as well as employers and employees.

Other Redevelopment Areas in the Neighborhood

TODN North Avenue

In 2016, the City Council approved the Transit Oriented Development Netherwood (TODN) – North Avenue Redevelopment Plan. The Plan Area is bounded by North Avenue to the northwest, Berckman Street to the southwest, Leland Avenue to the northeast, and NJ Transit Raritan Valley Line to the southeast. It consists of three

zones: Train Station Area Zone (TSA), Transit Commercial Zone, and Trainside Residential Zone (TSR). The goals of this Plan are to: 1. Promote Transit-Oriented Development and activity; 2. Improve economic development; 3. Increase sustainability; 4. Manage parking and traffic.

TODN South Avenue

In 2017, the City Council approved the Transit Oriented Development Netherwood - South Avenue Redevelopment Plan. This plan has been subsequently amended in February 2019, February 2020 and March 2021. The Plan Area is bounded by South Avenue to the south, Berckman Street to the west, Netherwood Train Station to the east and NJ Transit Raritan Valley Line to the north. It consists of the Trainside Commercial Zone. The goals of this Plan are: 1. Promote Transit-Oriented Development and activity; 2. Improve economic development; 3. Manage parking and traffic; 4. Increase sustainability.

Relation to Adjacent Municipalities

The Redevelopment Area is located approximately 1,560 feet east of the Borough of North Plainfield. Given this separation, there will be no substantial negative impact to the Borough. In fact, any impacts deriving from the Redevelopment Area will be positive, as it will continue to draw a critical mass that will contribute secondary economic impacts that will benefit the Borough. Additionally, it will permit a range of uses that will serve and attract residents and employees of the Borough.

3.4. Statutory Basis for the Redevelopment Plan

On May 9, 2022, the City Council adopted Resolution R 188-

22 authorizing the Planning Board to prepare a Redevelopment Plan. The purpose of this Plan is to provide guidance for new development and redevelopment within the Redevelopment Area. It also sets forth a framework for design standards in appropriately specializing redevelopment among the existing and future schools and the surrounding residential community. Upon Plan adoption, the regulatory and design standards in this Plan shall supersede the City's Land Use Ordinance.

3.5. Definitions

This Plan sets forth standards for land uses, structures, site design and parking. Except as otherwise provided below, terms that appear in this Redevelopment Plan shall be interpreted in accordance with the Definitions section of the City's Land Use Ordinance as set forth in Section 17:1-6.

- *Self-storage facility* – A structure containing individual storage units, varying in size, that are leased for storing business equipment, personal items or household property.

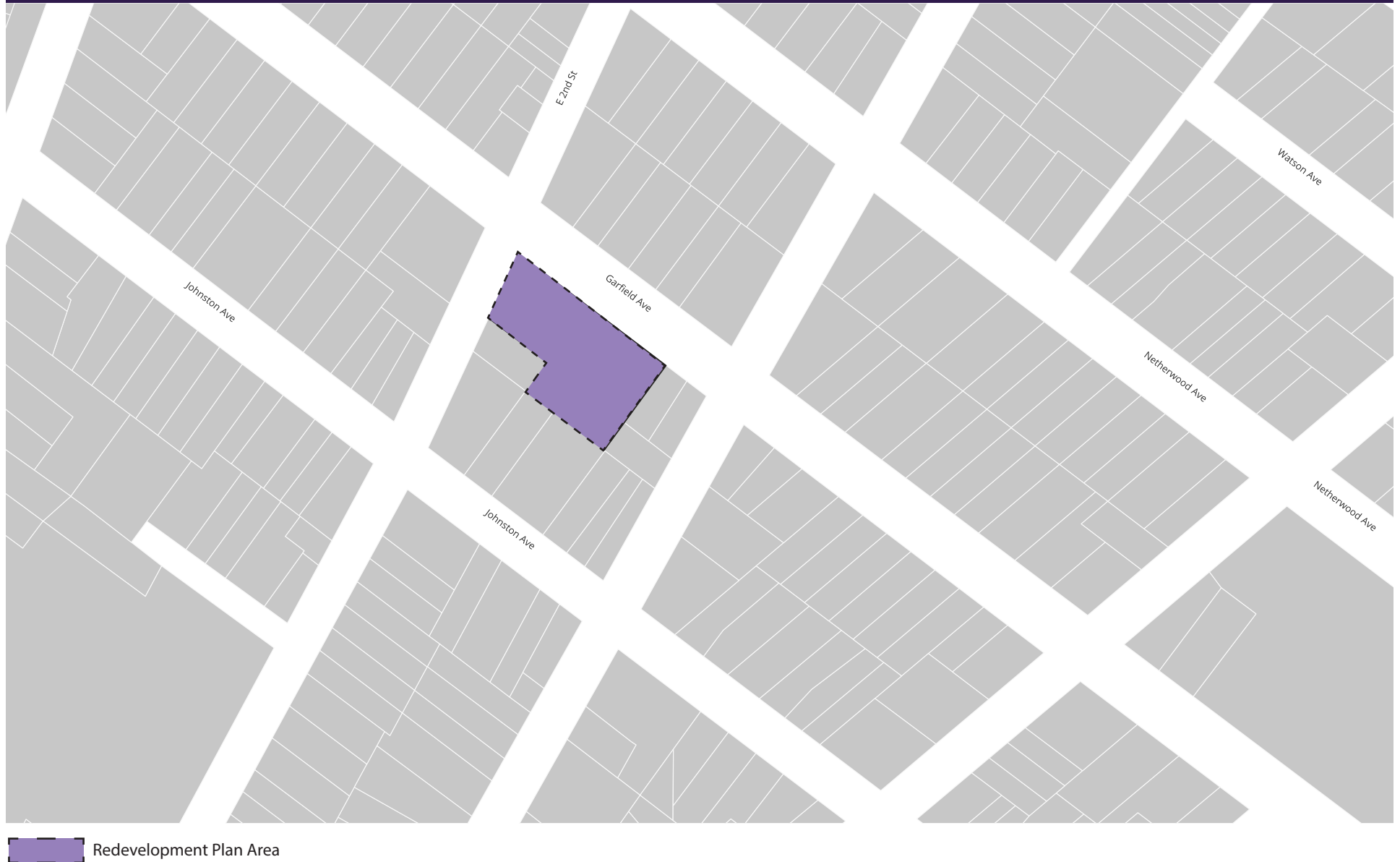
4.0 PROPOSED LAND USE PLAN

4.1. Land Use Plan

This section describes the proposed land use plan and provides a framework to implement the City's vision for the Redevelopment Area. The zoning regulations established in this Plan provide a foundation and guidelines for any development that occurs in the Redevelopment Area.

4.2. Standards

The proposed standards reflect the vision for this Plan. These standards include permitted, and accessory uses, bulk and area standards, and other requirements which specifically define the Redevelopment Area. Design standards specific to the Redevelopment Area will also provide guidelines regarding the physical form of redevelopment projects. Buffering and screening (Section 17:9-24), parking lot landscaping (Section 17:9-43), lighting (Section 17:11-12) and parking standards (Section 17:11-15) shall comply with the City's Land Use Ordinance (unless otherwise noted in this Plan).



Map 5: Proposed Land Use Plan

200-216 GARFIELD AVENUE LAND USE PLAN

Purpose: Promote this Area as a mixed-use and commercial center within the Netherwood neighborhood.

Bulk and Area Standards

Regulation	Requirement
Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Front Yard Setback	0 feet
Minimum Side Yard Setback	10 feet
Minimum Combined Side Yard Setback	20 feet
Minimum Rear Yard Setback	10 feet
Maximum Building Coverage (percentage)	80%
Maximum Lot Coverage (percentage)	90%
Maximum Building Height (feet)	70 feet
Maximum Building Height (stories)	5 stories
Minimum Building Stepback after 3 stories*	5 feet
Density	75 units/acre
FAR	5.0
Open Space (percentage)	5%

*Building must be stepped back from all street frontages.

Permitted Uses

- Apartments (also known as multi-family dwellings)
- Child care centers
- Laundromats and dry cleaners
- Mixed-use structures
- Personal service establishments
- Restaurants (excluding drive-through facilities)
- Retail sales
- Self-storage facilities

Accessory Uses and Structures

- Electric vehicle charging stations
- Health club and fitness, multi-purpose room, laundry facilities, plazas and other such facilities or amenities associated with apartments
- Surface parking
- Structured parking as a component of the mixed-use building
- Any other use customarily incidental to a permitted principal use

Additional Standards

- a) For restaurants that propose outdoor dining, Outdoor Dining Private Property (Section 17:9-39) and Outdoor Dining Sidewalk Café Areas (Section 17:9-40) of the City Land Use Code shall apply, depending on the location of the outdoor dining area.
- b) Residential uses shall not be located on the ground floor.
- c) A roof-top garden, landscaped roof area or deck shall be provided on every newly constructed building in the Redevelopment Area. These amenities may be provided at any portion of a building where a rooftop is accessible. Rooftop amenities or landscaped areas, at any level, can contribute towards the minimum common open space requirement.
- d) All commercial areas on the ground floor shall have street frontage.

Parking Standards

- a) Unless otherwise noted, parking ratios for all uses shall be in accordance with the regulations included in the City's Land Use Ordinance.
- b) Parking requirements for the following permitted uses apply:
 - i. Residential dwelling units: 1 space per dwelling unit
 - ii. Self-storage: 1 space per 10,000 square feet of gross floor area and 1 employee per shift
 - iii. Retail sales or personal service establishments: 1 space per 400 square feet of gross floor area
 - iv. Restaurants: 1 space per 4 seats
- d) The State electric vehicle ordinance regarding parking requirement reduction shall be applicable if the State requirement is fulfilled.

4.3. Design Standards

The City recognizes that a number of urban design standards and improvements are necessary in order to achieve vibrant and safe neighborhoods. These standards are especially important in neighborhood commercial nodes where walkability and access are vital. The key elements and the design standards are listed below.

Building, Mass and Form

- a) Variation in architectural massing is encouraged. Architectural massing is the arrangement of forms of a building. Massing refers to the structure in a three-dimensional form.
- b) Building entries shall include covered areas to allow for shelter from inclement weather.

Architectural Standards and Façade Treatments

- a) Structures should be designed to encourage architectural variety within an overall framework of design continuity.
- b) A 'human scale' of development shall be achieved at grade and along street frontages through the use of building elements such as enhanced entrances, corners, display windows, doors, columns, awnings, canopies and graphic panels. These are encouraged to provide a visually attractive environment.
- c) Architectural features such as bay windows, balconies, etc. may be permitted to project over pedestrian sidewalks, with a minimum clearance of 15 feet in height and within 6 feet of the sidewalk's curb line.

- a) Architectural features are to be provided when using a flat roof. These features should include a parapet wall accented with a cornice and frieze. Capped roof or sloping roof structures are encouraged.
- b) Side and rear yard elevations should receive architectural treatments comparable to the front facades when public access or public parking is provided next to the building.
- c) The building design shall incorporate to the greatest extent practicable green design techniques and promote energy efficiency through the choice of materials and major systems.
- d) Any front façade of a nonresidential structure within the Redevelopment Area must be visually permeable (i.e. it should contain windows or other openings at eye level). Blank and windowless walls shall be permitted only along the rear of buildings. Retail frontage should have display windows containing 40 to 60% of the façade's fenestration. Metal, roll-down security grills, curtains, gates, or bars are not permitted at the front façade.
- e) Side and rear yard elevations should receive architectural treatments comparable to the front facades when public access or public parking is provided next to the buildings.
- f) Multi-tenant buildings shall provide varied storefronts. Upper floors may be coordinated with ground floors through common materials and colors.
- g) If a parking deck/structure is constructed, the façade elevations shall receive architectural treatment that complements

the principal building.

- a) Roof appurtenances may be excluded from the building height measurement; however, roof appurtenances shall not exceed a height of 10 feet.

Materials and Texture

- a) A variety of materials shall be utilized. Masonry, which works well at the base of the building, can vary in size, color, and texture, and enable the provision of a decorative pattern or band. Above 12 feet, it can be substituted with other suitable materials.
- b) The use of fabric or metal canopies is encouraged, especially over storefronts, at entrances or over display windows.

Buffering/Screening

- a) Service areas, loading docks, solid waste and recycling facilities and other service areas are to be screened so as to not be visible from street view. Such facilities and areas shall be appropriately screened with vegetation, a decorative wall or other materials.
- b) Unless otherwise noted, buffering and screening shall adhere to the regulations set forth in Section 17:9-24 and Section 17:9-43 of the City's Land Use Ordinance.
- c) Vegetative buffering must be provided along any residential property abutting the Redevelopment Area.

Parking Area Landscaping and Circulation Design Standards

- a) Standards set forth in Section 17:9-42 of the City's Land Use Ordinance are not applicable to the Redevelopment Area.
- b) Parking areas are encouraged to be located in the rear and/or side yards of the property. Parking areas may be located in the front yard, however, must be screened from street view through the use of: 1. Landscaping (i.e., vegetative buffer) and 2. decorative wall or ornamental fence. Walls and fences shall be a minimum 4 feet in height. Vinyl and chain link fences shall not be permitted in the Redevelopment Area.
- c) A 6-foot board-on-board fence shall be constructed along any rear or side yard property line abutting a residential zone.
- d) Parking facilities within the Redevelopment Area shall include a minimum of two (2) electric car charging stations as well as the infrastructure necessary to support additional car charging facilities to accommodate future demand. The car charging facilities shall be the responsibility of the redeveloper.
- e) Shared parking, especially among mixed-use structures, is encouraged.

Parking Structure Design Standards

- a) Parking structures shall include a ground floor commercial component, particularly retail spaces or personal service establishments.
- b) The façade of the parking structure shall be compatible

with adopted architectural standards and harmonious with the surrounding character of the area.

- c) Bicycle parking design and requirements shall comply with the standards in the City Land Use Ordinance.

Parking, Driveways and Loading

- a) Shared driveways and shipping and receiving points are encouraged to reduce the number of curb openings to enhance the streetscape and promote traffic and pedestrian safety.
- b) Driveway widths shall be sized to provide sufficient turning radius for the largest expected truck entering the site.

Residential Dwelling Units

- a) Dwelling Unit Sizes: The following minimum dwelling unit floor areas shall be applied to the dwelling unit types listed below:
 - 1) Studio/efficiency unit: 500 square foot minimum floor area
 - 2) One-bedroom apartment: 750 square foot minimum floor area
 - 3) Two-bedroom apartment: 1,000 square foot minimum floor area.

Lighting

- a) All lighting requirements set forth in Section 17:11-12 of the City's Land Use Ordinance shall be met.

- b) Streetlighting shall be installed along every 50 feet of street frontage. If street lighting cannot be installed as determined by the Planning Board, then building lighting shall be installed.

Shade Trees

- a) The requirements of Section 17:9-49C of the Land Use Ordinance shall be applicable.
- b) The adopted Streetscape Design Manual shall apply to all development within the Redevelopment Area.

Signage

- a) All signs shall be in accordance with the City's Signage Design Standards, Section 17:9-51(C) of the City's Land Use Ordinance.

Outdoor Storage

- a) The standards of Section 17:9-41 of the City's Land Use Ordinance shall be applicable.

Refuse and Recycling Storage Areas

- a) The standards of Section 17:11-16.A of the Land Use Ordinance shall be required.

Sidewalks

- a) Walkways and sidewalks shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the

Americans with Disabilities Act (ADA).

b) Sidewalks along the perimeter of the project site shall be repaired if damaged.

c) Sidewalks within public rights-of-way shall have a five (5) foot wide grass strip between the sidewalk and the curb.

d) The standards of Section 17:11-18 of the City Land Use Ordinance shall apply.

Miscellaneous Design Standards

a) Implementing sustainable design practices and energy efficient buildings standards are strongly encouraged for newly constructed/redeveloped buildings.

b) Site amenities such as benches, refuse and recycling receptacles shall be provided along any street frontage.

c) The implementation of green infrastructure is highly encouraged.

d) Street curb shall be replaced and/or repaired where the existing curb is noncompliant or damaged, as recommended by the City Engineer.

5.0 PROJECT REVIEW PROCESS AND AMENDMENTS TO THE PLAN

5.1 Site Plan and Subdivision Applications

In the execution of this Plan, it should be noted that the development and subdivision within the Redevelopment Area shall be governed by the requirements set forth under the applicable development regulations of the City of Plainfield. Redevelopment activities shall be in conformance with this Redevelopment Plan which may be amended from time to time in accordance with law. If a standard does not exist in this Redevelopment Plan, then the City's Land Use Ordinance shall control.

Site plan and subdivision review, as may be required, shall be conducted by the Planning Board of the City of Plainfield, pursuant to the provision of the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. and Article XI (Site Plan and Submission and Performance Standards) of the City's Land Use Ordinance.

The redeveloper shall be responsible for the execution of offsite improvements associated with the redevelopment project as necessary (e.g., utility improvements to accommodate increase in capacity, etc.). These off-site improvements shall be specified in the Redevelopment Agreement.

The redeveloper must adhere to Article VIII (Required Development Approvals, Development Permits and Approval Process) and of the City's Land Use Ordinance.

5.2 Powers of the Planning Board

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a piece of property, the strict application or any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper of such property. The Board may also grant such relief in an application in relation to a specific property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the Plan and the benefits of the deviation would outweigh any detriments. An application for a deviation from the requirements of this Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A 40:55D-12a and b.

The Planning Board shall not grant any deviation from standards of this Redevelopment Plan that results in a "D" variance pursuant to N.J.S.A. 40:55D-70d. No deviations from this Redevelopment Plan are permitted which: 1. Deviate from permitted uses; 2. Expand a nonconforming use; 3. Deviate from standards with respect to conditional uses; 4. Increase the maximum floor area ratio; 5. Increase the maximum density; or 6. Increases the height of a principal structure by 10 feet or 10% of the permitted height.

No deviation from the requirements herein shall be cognizable by the Zoning Board of Adjustment.

In addition to granting or denying "C" variances for bulk standards,

the Planning Board shall have the authority to grant waivers from the Design Standards set forth in Section 4.3 of this Redevelopment Plan pursuant to N.J.S.A. 40:55D-51.

6.0 IMPLEMENTATION OF THE PLAN

6.1 Selection of Redeveloper

This Plan is to be implemented in accordance with the procedures of the LRHL. Only a redeveloper(s) formally designated by the City and having entered into a redevelopment agreement with the City may undertake a redevelopment project within the Redevelopment Area. However, a potential redeveloper, which can demonstrate site control, may apply for and obtain site plan approval prior to being designated as a redeveloper and entering into a redevelopment agreement.

6.2 Certification of Completion

Upon final inspection and issuance of a certificate of occupancy by the construction official for all buildings and the release of all performance and maintenance bonds for improvements by the City Council, the City will issue a certificate of completion to the redeveloper, which will release the redeveloper from any further obligation under the redevelopment agreement for that project.

6.3 Statutorily Permitted Actions

Upon the adoption of a redevelopment plan pursuant to section 7 of P.L. 1992, c. 79 (C.40A: 12A-7), the municipality or redevelopment entity designated by the governing body may proceed with the

clearance, re-planning, development and redevelopment of the area designated in that plan. In order to carry out and effectuate the purposes of this act and the terms of the redevelopment plan, the municipality or designated redevelopment entity may:

- 1) Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 P.L. 1992, c. 79 (C. 40A: 12A-29) and issue bonds.
- 2) Acquire property pursuant to subsection i. of section 22 of P.L. 1992, c. 79 (C. 40A-12 through 22).
- 3) Clear any area owned or acquired and install or reconstruct infrastructure.
- 4) Prepare or arrange by contract for the provision of professional services and the preparation of plans by licensed professionals and/or other consultants for the carrying out of redevelopment projects.
- 5) Arrange or contract with public agencies or redevelopers.
- 6) Lease or convey property or improvements without public bidding.
- 7) Enter upon building or property for conduction of investigations or surveys.
- 8) Carry out a voluntary rehabilitation program and develop plans for the enforcement of codes and regulations relating to use and occupancy, rehabilitation, demolition, and removal of buildings or improvements.
- 9) Request the designation of particular areas as areas in need of redevelopment or rehabilitation.

6.4 Agreements with Redevelopers

Agreements with redevelopers shall be in accordance with the LRHL and note that only those uses established in the Redevelopment

Plan shall be constructed, and prohibit, without approval of the redevelopment entity, the sale, leasing, or transferring of the redevelopment project, or portion thereof, without written consent.

6.5 Equal Opportunity

The land within the Redevelopment Area shall not be restricted on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex (from N.J.S.A. 10:5-31 et seq.) in the sale, use, lease, or occupancy thereof.

6.6 Period of Applicability

The provisions of this Plan, specifying the redevelopment plan for the Redevelopment Area and requirements and restrictions with respect thereto, shall be in effect for a period until such time as the purpose of the Plan has been satisfied and the designated redevelopment area's need for redevelopment has been substantially alleviated.

