

BOROUGH OF TINTON FALLS, NEW JERSEY

**REDEVELOPMENT PLAN FOR  
A PORTION OF BLOCK 101, LOT 1**

**Prepared for**

The Borough of Tinton Falls, New Jersey

**Prepared by**

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Consent to Redevelopment Plan by FMERA Board:

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# 1 INTRODUCTION

## 1.A Statutory Basis for the Redevelopment Plan

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This Redevelopment Plan has been prepared for a portion of Block 101, Lot 1 (the “redevelopment area”) within the Borough of Tinton Falls in Monmouth County, New Jersey (hereafter sometimes referred to as the “Borough”). The entire redevelopment area constitutes the former Fort Monmouth properties in Tinton Falls and is bounded generally by properties encompassing the Tinton Falls municipal complex to the west, Tinton Avenue to the north, Hope Road to the east, and Conrail railroad tracks and Pinebrook Road to the south, as shown in Figure 1, Redevelopment Area Location.

By way of background, in 2010, the New Jersey State Legislature enacted the *Fort Monmouth Economic Revitalization Authority Act* (the “Act”), N.J.S.A. 52:27I-18 *et seq.*, which created the Fort Monmouth Economic Revitalization Authority (“FMERA” or “the Authority”). The Act empowered FMERA to implement the comprehensive conversion and revitalization plan for the former Fort Monmouth properties, known as the *Fort Monmouth Reuse and Redevelopment Plan*, (as may be amended or supplemented in the future) (the “Reuse Plan”). Among FMERA’s responsibilities are the adoption of any modifications or amendments to the Reuse Plan and the adoption of development and design guidelines and land use regulations to implement the plan. The Reuse Plan (and the land use regulations and development and design guidelines implementing that Reuse Plan, once adopted), shall supersede the zoning ordinances and land use regulations of the host municipalities (i.e., the Boroughs of Tinton Falls, Eatontown and Oceanport), pursuant to N.J.S.A. 52:27I-34.

Under N.J.S.A. 52:27I-26(o) FMERA also has the authority to consent to a request by a host municipality for, or request that the host municipality consider, the designation of portions of the former fort properties as being in need of redevelopment in accordance with the *Local Redevelopment and Housing Law* (C.40A:12A-1 *et seq.*) (“LRHL”). In accordance with the above statutory provisions, FMERA requested that Tinton Falls consider instituting a redevelopment area investigation, whereby the Borough would consider a resolution to investigate either a portion or the entirety of Fort Monmouth within the confines of the Borough.

The Mayor and Council of the Borough of Tinton Falls adopted a resolution on December 6, 2011, directing the Planning Board to study the area referred to as Block 101, Lot 1 in order to determine whether it was in need of redevelopment in accordance with the criteria specified in state law at N.J.S.A. 40A:12A-5. Fort Monmouth Economic Revitalization Authority (“FMERA”) authorized its planning consultant, Phillips Preiss Grygiel LLC (“PPG”), to conduct the investigation and present findings to the Planning Board at a public hearing. PPG submitted its report, titled *Redevelopment Study for the Former Fort Monmouth Properties in the Borough of Tinton Falls, New Jersey* to the Planning Board in January 2012. A public hearing on the redevelopment investigation was then held by the Planning Board on February 22, 2012, after which the Board unanimously passed a resolution, based on the results of the investigation, recommending that the study area qualified as an area in need of redevelopment. The Mayor and Council adopted a

resolution designating Block 101, Lot 1 as an area in need of redevelopment on March 6, 2012. The resolution took effect on March 21, 2012 when the FMERA Board consented to the Borough Council's designation of the property as an area in need of redevelopment. FMERA then authorized PPG to prepare a Redevelopment Plan for the Parcel E portion of the designated redevelopment area pursuant to P.L. 1992, c. 79 (C.40A:12A-7).

The intent of this Redevelopment Plan is to provide for the redevelopment of a discrete section of the redevelopment area referenced above, consistent with the requirements of the LRHL and the Reuse Plan. In particular, the standards set forth in this Redevelopment Plan are intended to be consistent with the Reuse Plan, and in particular with the alternative "overlay" land use scenario currently under consideration as an amendment and supplement to the *Fort Monmouth Reuse and Redevelopment Plan*, ("Amendment #1"). The FMERA Board voted to transmit a copy of the proposed Amendment #1 to the governing body of each host municipality on February 15, 2012. On March 8, 2012, FMERA staff met with representatives of the three host municipalities to officially transmit the amendment and commence the 45 day comment period during which time the host municipalities review and may transmit a report to the FMERA Board containing its recommendation concerning the proposed amendment pursuant to N.J.S.A. 52:27I-35. The validity of this Redevelopment Plan is contingent upon FMERA's adoption of Amendment #1.

The regulations in this Redevelopment Plan are designed only to provide the land use regulations and design guidelines for the Planning Board to apply in reviewing the subdivision and site plan for the redevelopment of what is referred to as "Parcel E", a ±55 acre parcel located in the northeast quadrant of the larger redevelopment area (see Figure 2), if that parcel is redeveloped in accordance with the "overlay" alternative described in this Redevelopment Plan and Amendment #1. As an "overlay," this Redevelopment Plan does not supersede the underlying provisions of the Reuse Plan. If Parcel E is not developed in accordance with the overlay alternative described in this Redevelopment Plan and Amendment #1, then the area and the remaining ±200 acres of the redevelopment area, will continue to be regulated under the Reuse Plan (and the land use regulations and development and design guidelines implementing that Reuse Plan, once adopted), unless and until a separate Reuse Plan amendment and/or redevelopment plan is adopted in respect to those lands in accordance with the requirements of the Act and/or the Local Redevelopment and Housing Law.

## **1.B Description of Redevelopment Area and Parcel E Boundaries and Development Context**

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As shown in Figure 2, the redevelopment area is rectangular in shape and is located in the northeastern quadrant of the Borough of Tinton Falls. According to the official tax maps of the Borough, the study area encompasses ± 254 acres and consists of one tax lot: Block 101, Lot 1. The area was formerly part of Fort Monmouth. In 2005, the federal Base Realignment and Closure Commission rendered a decision to close Fort Monmouth, and such closure officially took place on September 15, 2011.

The redevelopment area is bounded generally by Pearl Harbor Avenue to the west, Tinton Avenue to the north, Hope Road to the east, and the Conrail railroad tracks and Pinebrook Road to the south. There is a small ±1.13 acre parcel to the north of Pinebrook Road that is owned by the U.S. Army Corps of Engineers but is not within the fort boundaries. There are also three single-family parcels at the intersection of Tinton Avenue and Hope Road totaling ~3 acres that are also not within the fort boundaries. The redevelopment area consists of only those portions of the former Fort Monmouth property located in the Borough of Tinton Falls.

Across Pearl Harbor Drive from the site is the Borough's municipal complex, which is accessed from Tinton Avenue. The Garden State Parkway runs in a southerly direction to the west of the municipal complex and Exit 105 is located just south of the study area. Across Tinton Avenue are single-family homes and across Hope Road is the Suneagles Golf Course and other former fort properties. To the south of Pinebrook Road are Conrail railroad tracks. The study area boundaries are shown in Figure 2.

The extant improvements within the redevelopment area include 49 buildings from among the following types: administration/research, development, test and evaluation (Admin/RDT&E); commercial; housing; public works/supply/utilities/storage; and recreation/community facilities. Some of the buildings are small and were used primarily for storage, maintenance and utilities, while others are much larger and were used for highly specialized office and laboratory operations. There is over one million square feet of floor area in total. All of the buildings are presently vacant. In addition, the redevelopment area includes open space and recreation facilities, including a softball field, surface parking, and a helipad.

A significant number of the buildings were constructed for and outfitted with specialized military technologies that have little or no utility for civilian purposes. Much of the office space, especially in locations where it was ancillary to specialized laboratory and testing or other highly classified activities, is out-of-date and functionally obsolete by today's standards. In particular, many of these spaces do not employ open floor plans, and they lack direct access to light and air. Further, since the fort was designed and constructed over time, the arrangement of buildings by use/ function was somewhat haphazard, as the Army built on available land as needed. The resulting layout and juxtaposition of the various buildings, which may have once worked for a fully functioning military base, presents obstacles for purposes of redevelopment.

Some of the improvements and uses/functions are also strategically located in areas considered essential for the successful redevelopment of the entire tract. In fact, even if the potential existed to retain or re-tenant certain improvements, to do so would hamper future redevelopment efforts. Finally, numerous residential structures located north of Corregidor Road have already been demolished with only a few remnant structures remaining. All of these buildings are over 50 years old, in need of updating, and no longer contextual with their surroundings.

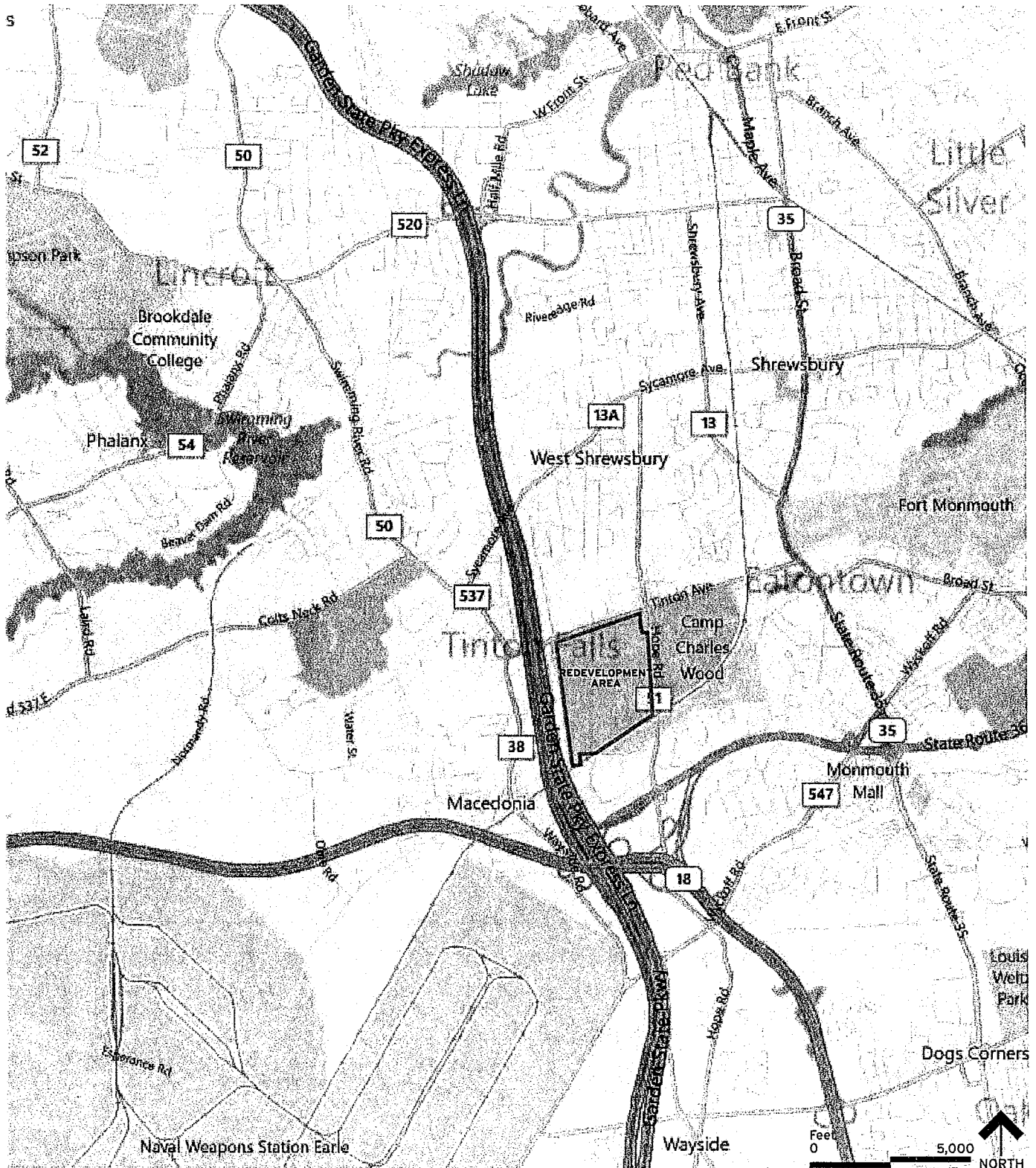


Figure 1: Redevelopment Area Location

Phillips Preiss Grygiel LLC | 2012 | Source: bing.com



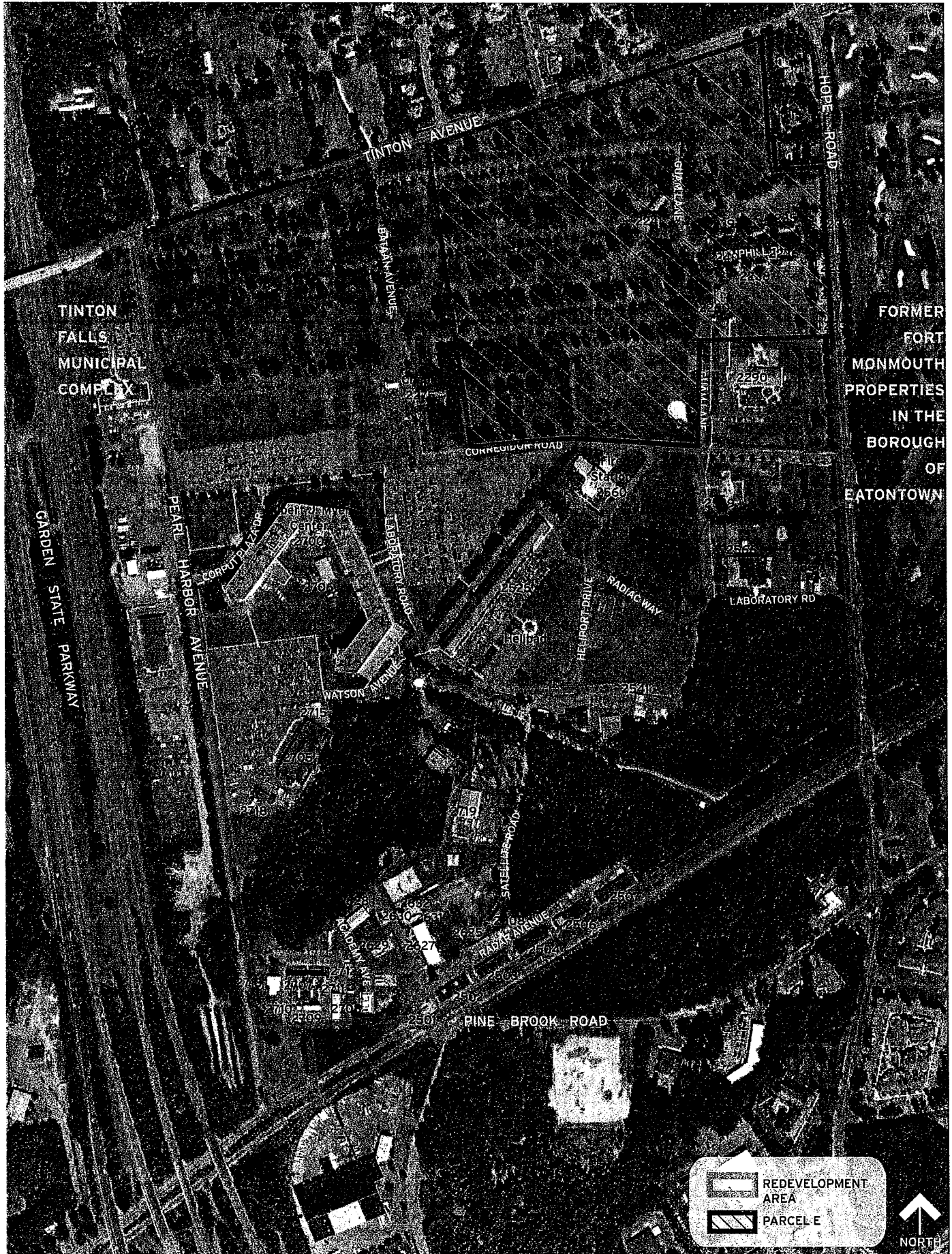


Figure 2: Redevelopment Area Boundaries

## 2 PLAN VISION, GOALS AND OBJECTIVES

The intent of this Redevelopment Plan is to provide for the redevelopment of a discrete section of the redevelopment area so as to revitalize lands that were formerly part of a large military base and to also strengthen existing areas within the Borough. To that end, the standards set forth in this Redevelopment Plan are designed to specifically regulate, as an “overlay”, what is referred to as Parcel E<sup>1</sup>, a ±55 acre parcel located in the northeast quadrant of the larger redevelopment area (see Figure 2).

As noted, Parcel E comprises a total of ±55 acres located in the northeast quadrant of the redevelopment area that is bounded on the north by Tinton Avenue; on the east by three single-family residential parcels and Hope Road; on the south by Corregidor Road and Building 2290 (formerly used as a Child Development Center); and on the west by a 200 foot wide swath of land fronting Bataan Avenue. Parcel E is located adjacent to the intersection of Tinton Avenue and Hope Road. Primary access to the parcel is currently provided via one of two gated entrances: on Bataan Avenue off of Tinton Avenue (the “Bataan Gate”) and on Corregidor Road off of Hope Road. It should be emphasized that each of these access points is outside the physical limits of the ±55 acres referred to as Parcel E.

The principal extant structures on Parcel E are the 22 units of duplex housing referred to as the Hemphill Housing (Buildings 2231 through 2240 and Building 2260) located along Hemphill Road on the western side of Hope Road, east of Guam Lane and north of Corregidor Road. According to *Fort Monmouth Building Assessments*, each of the structures needs updating to bring its electrical system up to National Electric Code compliance. The existing service is “original and in poor condition.” In addition, each structure is suspected of having hazardous building materials, asbestos, lead-based paint, and radon. In addition, there is one other remaining (boarded up) structure on Parcel E: the Capehart-Wherry housing (Building 2241) located along Guam Lane. Other improvements on Parcel E include roadways which formerly served the residential neighborhoods in this area of Fort Monmouth that have long since been cleared of any buildings. These streets include Wake Road, Olongapo Lane, Midway Lane and portions of Guam Lane.

The surveyed boundaries of Parcel E as depicted in Figure 2 will provide the basis for the subdivision of Parcel E and the use, bulk and related standards and guidelines set forth in this Redevelopment Plan are intended to regulate the future development of Parcel E consistent with the redevelopment alternative described in Amendment #1 to the Reuse Plan. This Redevelopment Plan is principally focused on advancing development opportunities within the geographic limits of Parcel E so as to further the following goals and objectives:

- To promote the former Fort Monmouth properties as a “high-tech” corridor.
- To focus on business retention and attraction, job replacement and employee training on the former Fort Monmouth properties.
- To encourage development that is founded on market and economic analysis that responds to the current needs of the marketplace.

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<sup>1</sup> The boundaries of Parcel E will be delineated in a forthcoming metes and bounds survey.

- To provide for an increase in the economic base of the redevelopment area and the Borough of Tinton Falls by redeveloping underutilized and non-productive properties.
- To leverage the locational assets associated with the redevelopment area's proximity to the Garden State Parkway and the proposed improvements to the Parkway and ancillary roads servicing the area, and to attract new office/R&D users that generate much-needed local employment and tax ratables.
- To stimulate the redevelopment of the former Fort Monmouth properties in all three host communities, i.e., the Boroughs of Tinton Falls, Eatontown, and Oceanport.
- To promote development that is of a high-quality architectural standard.
- To foster appropriate relationships between buildings, streets, parking areas, walkways and landscaped areas, both within the development and in the context of the surrounding area.

### **3 DEFINITIONS AND WORD USAGE**

Throughout this Redevelopment Plan, a meaningful distinction is made between “shall” and “should.”

“Shall” means that a developer is required to comply with the specific regulation, without deviation.

“Should” means that a developer is encouraged to comply with the regulations, but is not required to do so. If the exact recommendation cannot be met, the Planning Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

The following terms shall, for the purpose of this Redevelopment Plan, have the meanings as herein defined.

#### **ABUTTING COUNTY ROAD**

Any existing or proposed County road shown on the adopted County Master Plan or Official Map which adjoins or lies within a lot or parcel of land submitted for subdivision or site plan approval.

#### **ACCESS**

A physical entrance to property.

#### **ACCESSORY BUILDING OR STRUCTURE**

A building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof.

#### **ACCESSORY USE**

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

#### **ADDITION**

A structure added to the original structure at some time after the completion of the original structure.

#### **AISLE**

The traveled way by which cars enter and depart parking spaces.

#### **ALTERATION**

Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement or diminution of a building or structure. "Alteration" shall also mean and include any conversion of a building or a part thereof from one use to another or the moving of a building or structure from one location to another. "Alteration" shall not be construed to mean any necessary repairs and renovation of an existing structure solely for the purpose of maintenance and/or improvements of the appearance.

**APPLICANT**

A developer submitting an application for development.

**APPLICATION FOR DEVELOPMENT**

The application form and all accompanying documents required to be submitted to FMERA and the Planning Board to obtain subdivision or site plan approval in order to make improvements to Parcel E pursuant to this Redevelopment Plan.

**APPROVED PLAN**

A subdivision or site plan for the redevelopment of Parcel E, which has been granted final approval by the Planning Board of the Borough of Tinton Falls.

**THE AUTHORITY**

The Fort Monmouth Economic Revitalization Authority established pursuant to *N.J.S.A. 52:27I-18 et seq.*

**BASEMENT**

A floor partially below grade level having one-half (1/2) or more of its floor-to-ceiling height above grade and with a floor-to-ceiling height of not less than six and one-half (6 1/2) feet. (See

**CELLAR)**

**BOARD or Planning Board**

The Borough of Tinton Falls Planning Board.

**BOROUGH ENGINEER**

That person appointed to the position by the Mayor of Tinton Falls.

**BUILDING**

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

**BUILDING HEIGHT**

The vertical distance as measured from the grade plane to the average height of the highest roof surface, but not including permitted obstructions (see **PERMITTED OBSTRUCTIONS**) and shall be measured both in number of stories and number of feet. In the case of sloped roofs, the average height is the mid-point between the roof eave and roof ridge. In the case of a building that has multiple roof levels, the highest of the various roof levels must be used to determine the building height.

**CALIPER**

The diameter of a tree trunk measured in inches a distance of six (6) inches off of the ground.

**CANOPY**

A self-supporting roof-like shelter or marquee without sides, permanently affixed to the wall of a building and providing overhead protection from the weather at an entrance to a building, which shall be construed to be a part of the building to which it is affixed.

**CARTWAY**

The hard or paved area of a street between the curbs, including travel lanes and parking areas, but not including curbs, sidewalks or swales. Where there are no curbs, the cartway is that portion between the edges of the paved width.

**CELLAR**

A space with less than one-half (1/2) of its floor-to-ceiling height above grade or with a floor-to-ceiling height of less than six and one-half (6 1/2) feet. (See **BASEMENT**)

**CHILD CARE CENTER**

An establishment providing for the care, supervision and protection of children that is licensed by the State of New Jersey pursuant to N.J.S.A. 30:5B-1 et seq.

**CONSTRUCTION OFFICIAL**

The Borough of Tinton Falls official who is charged with administering the Uniform Construction Code.

**CONTIGUOUS PARCELS**

Tracts of land which share one or more common boundaries.

**COUNTY**

Monmouth County.

**CRITICAL ENVIRONMENTAL AREAS**

The following areas are designated critical environmental areas within the Borough of Tinton Falls:

- A. Surface water bodies.
- B. Freshwater wetlands (as hereafter defined).
- C. Slopes in excess of fifteen (15%) percent.
- D. Floodplains and Flood Hazard areas (as hereafter defined).

**DECK**

An unroofed platform either freestanding or attached to the building at or above eighteen (18) inches from the finished grade and not covered by a permanent roof. A deck may be constructed above a first floor portion of a building, at the floor level of the second story, but not above that level.

**DEVELOPER or REDEVELOPER**

The designated redeveloper of Parcel E as set forth in the Redevelopment Agreement required pursuant to Article 10 of this Redevelopment Plan.

**DEVELOPMENT or REDEVELOPMENT**

The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; for which permission may be required pursuant to this Redevelopment Plan.

**DEVELOPMENT AND DESIGN GUIDELINES**

The development and design guidelines in this Redevelopment Plan to be used in connection with the development alternative described herein.

**DRIVEWAY**

A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.

**EASEMENT**

A grant of one or more property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

**ELEVATION:**

- A. A vertical distance above or below a fixed reference level; or
- B. A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

**ENLARGEMENT**

An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

**ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, light stanchions, telephone lines, hydrants and other similar equipment and accessories, reasonably necessary for the furnishing of adequate service to the redevelopment area where located by public utilities, municipal or other governmental agencies. "Essential services" shall include first aid and emergency aid squad buildings.

**EXISTING GRADE**

The vertical location of the ground surface prior to excavating or filling.

**EXTENSION**

An increase in the amount of existing floor area beyond the exterior wall.

**FENCE**

A structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary.

**FINAL APPROVAL**

The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

**FINAL PLAN**

The final map of all or a portion of a development, which is presented to the Planning Board for final approval in accordance with these regulations and which, if an approved subdivision, shall be filed with the proper county recording officer pursuant to *the Map Filing Law*, N.J.S.A. 46:23-9.9 *et seq.*

**FLOOD FRINGE**

That portion of the flood hazard area outside the floodway.

**FLOOD HAZARD AREA**

The floodway and flood fringe areas as determined by the N.J. Department of Environmental Protection under Section 3 of the Flood Hazard Area Control Act (PL 1979, c. 359).

**FLOOD PLAIN**

The flood hazard areas of delineated streams and areas inundated by the 100-year flood in non-delineated areas.

**FLOODWAY**

The channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream.

**FLOOR AREA**

The sum of the gross horizontal areas of all floors of buildings including garages measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings.

**FLOOR AREA RATIO (F.A.R.)**

The sum of the floor area of all floors of buildings or structures compared to the total area of the site. Structured parking is not counted towards overall F.A.R.

**FORT MONMOUTH**

The federally owned or operated military installation located in the municipalities of Eatontown, Oceanport, and Tinton Falls in the County that on May 13, 2005, was scheduled for closure by recommendation of the federal Base Realignment and Closure Commission including any facilities,



real property and improvements, infrastructure and appurtenances and personal property. Fort Monmouth closed on September 15, 2011.

**FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY ACT (“THE ACT”)**

In 2011, the New Jersey State Legislature enacted the *Fort Monmouth Economic Revitalization Authority Act, N.J.S.A. 52:27I-18 et seq.*, which created the Fort Monmouth Economic Revitalization Authority (“FMERA” or “the Authority”).

**FRESHWATER WETLAND**

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation as determined by the New Jersey Freshwater Wetlands Protection Act subject to regulation by the New Jersey Department of Environmental Protection.

**FRONTAGE**

See **LOT, FRONTAGE**.

**GARAGE**

A building or part thereof used as accessory to the main building, which provides for the storage of automobiles and in which no residential occupation, business or service is carried on. A detached garage shall be defined as an accessory structure. An attached garage shall be part of the principal structure.

**GOVERNING BODY**

The Mayor and Council of the Borough of Tinton Falls.

**GOVERNMENT AGENCY**

Any department, commission, independent agency or instrumentality of the United States and of the State of New Jersey, including but not limited to FMERA and EDA, the County and any authority, district or other governmental unit.

**GRADE PLANE**

A referenced plane adjoining the building at all exterior walls. The grade plane shall be established by averaging the finished ground levels at all exterior walls, unless the Planning Board or Zoning Officer in consultation with FMERA’s engineers determines that the grading within six (6) feet of the structure has been elevated by more than two (2) feet for the sole purpose of elevating any proposed structure. When the Planning Board or Zoning Officer in consultation with FMERA’s engineers determines that the grading within six (6) feet of a proposed structure has been elevated by more than two (2) feet for the sole purpose of elevating the structure, the elevation in excess of two (2) feet will be subtracted in calculating grade plane. In either case, where finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within six (6) feet of the building.

**GROUND COVER**

Grasses or other plants and landscaping grown or placed to keep soil from being blown or washed away.

**GROUND FLOOR**

The first floor of a building other than a cellar or basement.

**GROUND MOUNTED SOLAR ARRAY**

A solar energy system, as defined herein that is mounted on armatures anchored to the ground with ground cover beneath.

**GROSS FLOOR AREA**

The total floor area in a structure measured by using the outside dimension of the building at each story. The floor area of units sharing a common wall shall be measured from the center of interior walls and the outside of exterior walls.

**HOST MUNICIPALITY**

The municipalities of Eatontown, Oceanport or Tinton Falls.

**IMPERVIOUS COVERAGE**

Any material which generally reduces or prevents absorption of stormwater into the ground, including but not limited to buildings and other structures, parking areas, driveways, sidewalks, paving, and patios.

**IMPROVED LOT**

A lot upon which exists a principal structure or building.

**LAND**

Ground, soil or earth, including improvements and fixtures on, above or below the surface thereof.

**LANDSCAPE/LANDSCAPING**

Lawns, trees, plants, grass and other natural materials such as rocks and woodchips, and decorative features, including sculpture, patterned walks, fountains and pools.

**LANDSCAPE STRUCTURE**

Any structure whose purpose is primarily decorative in nature, such as ~~flag poles, fences,~~ arbors, trellises and planters, and not intended for human occupancy, storage or utility purposes. Such structure shall not be restricted by setbacks or coverage definitions as defined herein.

**LOADING SPACE**

An open space or covered area, on a lot, used only for the loading or unloading of goods to which there is direct or unobstructed access from a street or ally.

**LOCAL UTILITY**

Any sewerage authority created pursuant to the Sewerage Authorities Law, P.L. 1946, c. 138 (N.J.S.A. 40:14A-1 et seq.); any utilities authority created pursuant to the Municipal and County Utilities Authorities Law, P.L. 1957, c. 183 (N.J.S.A. 40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

**LOT**

A designated parcel, tract or area of land established by plat, or otherwise as permitted by law, and to be used, developed or built upon as a unit.

**LOT AREA**

The total area within the lot lines of a lot not including any street rights-of-way.

**LOT LINE**

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space

**MAYOR**

The chief executive of the Borough of Tinton Falls.

**MUNICIPAL LAND USE LAW (MLUL)**

N.J.S.A. 40:55D-1, *et seq.*, as amended.

**NEW STREET**

The construction of new street pavement and accompanying drainage facilities in locations where improved street(s) did not exist, including extended portion(s) of existing street(s). A "new street" does not include an existing street being widened, repaved or undergoing other improvements or upgrading.

**OCCUPANCY**

The specific purpose for which land or a building is used, designed or maintained.

**OFFICE**

A room, group of rooms or building used for conducting the affairs of a business, profession, service, industry or government, but where no retail sales of goods are offered and where no manufacturing, assembling or fabricating takes place.

**OFF-SITE**

Located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of a development application or a contiguous portion of a street or right-of-way.

**OFF-TRACT**

Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

**110% PRODUCTION**

An energy system that produces up to one hundred ten (110%) percent of the energy that the principal use consumes on average in a year.

**ON-SITE**

Located on the lot in question.

**ON-TRACT**

Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

**OUTDOOR STORAGE**

The keeping in an unenclosed area of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**PARKING AREA**

Any open area, including parking spaces and access aisles providing direct access thereto, used for the temporary storage of automobiles and other permitted vehicles for the private use of the owners or occupants of the lot on which the area is located.

**PARKING SPACE**

A space for the off-street parking of one operable, licensed motor vehicle within a public or private parking area.

**PATIO**

A surface structure affixed to the ground throughout its area (such as poured concrete, brick, or flagstone) and having no portion supported by piers, columns, or posts and having no portion used for a parking space. A structure that is supported by piers, columns, or posts in any manner shall be considered a "deck". Patios may abut a building or may be located separate from a building. Patios shall meet the setback requirements of an accessory building, even if attached to the principal building, except if a patio abutting a principal building has a roof, railing, or other structural elements above the finished grade of the patio, it shall meet the setback requirements for the principal building.

**PERMIT**

A building permit or other permit or certificate issued to perform work pursuant to approvals obtained pursuant to this Redevelopment Plan.

**PERMITTED OBSTRUCTIONS**

Shall include parapets, elevator overruns, chilling towers, window-washing infrastructure, and mechanical equipment / non-habitable penthouses and any associated screening or enclosures.

**PERMITTED USE**

Any use which shall be allowed, subject to the provisions of this Redevelopment Plan.

**PERMITTEE**

Any person to whom a permit is issued in accordance with this Redevelopment Plan.

**PORCH**

A roofed open area which may be screened, attached to or part of a building with direct access to or from it. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash.

**PRINCIPAL BUILDING**

A building in which is conducted the main use of the lot.

**PRINCIPAL USE**

The main purpose for which any lot, structure and/or building is used.

**PROHIBITED USE**

A use which is not permitted in this Redevelopment Plan.

**PROPERTY**

A lot, parcel, or tract of land together with the building and structures located thereon.

**PUBLIC UTILITY FACILITIES**

Telephone and electric lines, poles, equipment and structures, water or gas pipes, hydrants, valves, mains or structures or sewer pipes, together with accessories and appurtenances, maintained, operated and conducted for the service, convenience, necessity, health and welfare of the public.

**RESTAURANT, DRIVE-THROUGH**

An establishment where food and drink are prepared, served and consumed primarily within the principal building with facilities for drive-through order and/or drive-through pickup.

**REUSE AND REDEVELOPMENT PLAN**

The "Fort Monmouth Reuse and Redevelopment Plan," a comprehensive conversion and revitalization plan and the homeless assistance submission prepared and adopted by the Fort Monmouth Economic Revitalization Planning Authority and submitted to the United States Department of Defense and the United States Department of Housing and Urban Development on September 4, 2008 pursuant to *section 14 of P.L.2006, c. 16 (C.52:27I-14)*, as accepted by the federal government, and as may be amended, revised, or modified pursuant to *N.J.S.A. 52:27I-18 et seq.*

**RIGHT-OF-WAY**

The total width and length of the course of a street, watercourse, utility alignment or other way and within which all improvements and rights of access are confined.

**RIGHT-OF-WAY LINES**

The lines that form the boundaries of a right-of-way.

**ROOFTOP APPURTENANCES**

The visible, functional, or ornamental objects accessory to and part of buildings rooftop.

**ROOFTOP SOLAR ARRAY**

A solar energy system, as defined herein that is mounted to roof of a building or structure.

**SETBACK**

The required yard or distance between buildings and property lines.

**SETBACK LINE**

That line to which a building must be set back from the property line.

**SIDEWALK**

A way for carrying pedestrian traffic. It may be located within the right-of-way provided for a street or may be located adjacent to a property line, between lots and laid out so that it may provide pedestrian traffic along a street or road or within a subdivision connecting two streets.

**SIGHT TRIANGLE**

A triangular shaped portion of land established at intersections in accordance with the requirements of this Redevelopment Plan in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

**SIGN**

Any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of or identify a person, entity or thing or to communicate any information to the public.

**SIGN, DIRECTIONAL**

Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

**SIGN, FREESTANDING**

Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

**SIGN, GROUND**

Any sign in which the entire bottom is in contact with the ground.

**SIGN, IDENTIFICATION**

A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

**SIGN, NAMEPLATE**

A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

**SIGN, PERMANENT**

Any sign that is painted directly on the window glass with permanent paint or that is mounted by bolts or screw, or otherwise in a permanent fashion, on a permanent structure.

**SIGN, POLITICAL**

A temporary sign announcing or supporting political candidates or issues in connection with any national, State or local election.

**SIGN, REAL ESTATE**

A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

**SIGN, TEMPORARY**

Any sign designed or intended to be displayed for a short period of time.

**SIGN, WALL**

Any sign attached parallel to, but within fifteen (15) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building.

**SIGN, WINDOW**

Any sign that is placed within twenty-four (24) inches of a window or upon the window panes or glass and is visible from the exterior of the window.

**SITE**

Any plot or parcel of land or combination of contiguous lots or parcels of land.

**SLOPE**

Deviation of a surface from the horizontal, usually expressed in percent or degree.

**SOLAR ENERGY SYSTEM**

A solar energy system, as defined herein that is used to generate power limited to 100% of the average annual energy consumption for the principal use on Parcel E.

**SOLAR PANELS**

A structure containing one (1) or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

**STORAGE SHED**

An accessory building used for the storage of items such as, but not limited to, tools, lawn and garden equipment and furniture and similar items of personal property belonging to the occupant of the principal structure.

**STORY**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY, HALF**

The area under a sloping roof where the possible floor area with head room of five (5) feet or more occupies no more than one-third (1/3) of the floor area of the floor immediately below. Where the floor area with a floor to ceiling height in excess of five (5) feet is more than one third (1/3) of the

**STRUCTURE**

A combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land.

**SURFACE PARKING**

See **PARKING AREA**.

**TERRACE**

See **PATIO**.

**TRESPASS LIGHTING**

Lighting from an adjacent property which exceeds 0.1 footcandle.

**USE**

The purpose or activity for which land or buildings are arranged, designed or intended or for which land or buildings are occupied or maintained.

**USE, PRINCIPAL**

The main or primary activity of any lot or parcel.

**UTILITY SERVICES**

For the purposes of this Redevelopment Plan, utility means those services including, but not limited to, pump stations, switching stations and transformers, pipes, lines, cables, service connections and similar facilities that provide the daily service of the utility to the consumer for sewage collection, water supply, gas, electric, telephone and cable television.-



**VARIANCE**

Permission to depart from the literal requirements of the bulk area zoning standards of this Redevelopment Plan, as and to the extent permitted under the Act.

**WAIVER, DESIGN**

Permission to depart from the requirements of the design standards set forth in *Chapter 5, Design Standards*.

**WETLANDS**

See **FRESHWATER WETLANDS**

**ZONING OFFICER**

The individual(s) employed by the Borough of Tinton Falls who is responsible for reviewing applications for development for compliance with relevant development regulations.

**ZONING PERMIT**

A document signed by the Zoning Officer:

A. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

B. Which acknowledges that such use, structure or building complies with the provision of the Redevelopment Plan.

## **4 LAND USE AND BULK STANDARDS**

The following development standards and guidelines shall be applicable only to Parcel E, except as otherwise expressly stated herein.

### **4.A Principal Permitted Uses**

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The following uses are permitted on Parcel E:

- General corporate, administrative and professional offices.
- Computer centers.
- Training centers for business and professional office personnel.
- Product development laboratories.
- Research laboratories engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients or patrons where no tangible or physical product for general marketing is directly produced therein.

### **4.B Permitted Accessory Uses and Structures**

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Any accessory building or structure attached to the principal building shall be considered part of the principal building. Except for structured parking, no accessory building shall exceed fifteen (15) feet or be more than one (1) story in height; nor shall have an area greater than five hundred (500) square feet. The following accessory uses and structures are permitted on Parcel E, except where otherwise restricted by language in this Redevelopment Plan:

- Accessory services such as, but not limited to, a restaurant and/or cafeteria, indoor exercise facilities and retail/business services, provided that: these uses are incidental and subordinate to the principal use; are for the exclusive use and convenience of employees and visitors; are designed within the interior of one or more principal buildings; and have no public exterior access or drive-up window service.
- Child-care centers subject to the requirements of *Section 4.M Childcare Centers*.
- Off-street surface parking areas pursuant to *Section 4.J.II, Surface Parking*
- Structured parking pursuant to *Section 4.J.IV, Structured Parking Design*.
- Facilities associated with building service, such as mechanical facilities, transformers, and trash and recycling rooms. Service areas are subject to the requirements outlined in *Section 5.D.II, Service Areas*. (Note that loading docks are not considered “service areas.”)
- Loading docks and similar loading facilities pursuant to *Section 4.J.V, Loading*.
- Bicycle storage rooms or areas.
- Outdoor seating for accessory restaurants and cafes.

- Outdoor jogging/walking trails and/or improved playing fields and/or courts, playgrounds, plazas, courtyards, gardens, and other passive open space, either private or open to the public.
- Entry gates and/or gate houses at driveway entrances.
- Fences or walls pursuant to *Section 4.L, Fences and Walls*.
- Detention and retention basins.
- Signs pursuant to *Section 4.K, Signage*.
- Temporary offices pursuant to *Section 4.N, Temporary Offices*.
- Small solar energy systems pursuant to *Section 4.O Solar Energy Systems*. Other accessory uses customarily incidental to principal permitted uses.

#### **4.C Floor Area Ratio (FAR)**

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Development within Parcel E shall not exceed an overall floor area ratio (FAR) of 0.30.

#### **4.D Building Height**

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The maximum building height (including any permitted ground level parking within a building) shall be five (5) stories and seventy-five (75) feet. Any number of parking levels may be constructed below grade and shall not count towards the total building height. The permitted number of above-grade parking levels for a stand-alone, structured parking garage shall be three (3). The maximum height of any stand-alone, structured parking garage shall be thirty-five (35) feet.

#### **4.E Rooftop Appurtenances**

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Every effort shall be made to cluster rooftop appurtenances. Rooftop appurtenances shall be completely screened from street view on all sides using materials that are complementary to the architectural elements of the building. Permitted obstructions on rooftops, including rooftop appurtenances, may cover no more than thirty (30) percent of the roof area with heights limited to twenty (20) feet above the roof slab.

The materials used for screening purposes shall not be counted toward roof coverage. Coverage created as a result of “green” technology installations (e.g., vegetation, solar panels, etc.) shall be exempt from the overall coverage calculation.

Rooftop mechanical equipment shall be stepped back at least ten (10) feet with respect to the façade plane of the building immediately below.

#### **4.F Impervious Lot Coverage**

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No more than sixty (60) percent of Parcel E should be covered by any material which reduces or prevents absorption of stormwater into the ground, including but not limited to buildings and other

structures, parking areas, driveways, sidewalks, paving, and patios. Manmade ponds and stormwater detention or retention basins are exempt from the impervious lot coverage requirement.

## 4.G Setbacks

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### 4.G.I Principal Building Setbacks

Setbacks to principal buildings shall include the setback from the property line to all floors of a building including parking levels permitted as part of the ground floor of an office building.

Setbacks to principal building shall be as follows:

- From Hope Road Property Line: Minimum of 250 feet
- From Tinton Avenue Property Line: Minimum of 150 feet
- From Southern Property Line Abutting Corregidor Road: Minimum of 250 feet
- From Western Property Line: Minimum of 150 feet
- From All Other Property Lines: Minimum of 100 feet

### 4.G.II Parking Structure Setbacks

Setbacks to parking structures shall be as follows:

- From Hope Road Property Line: Minimum of 250 feet
- From Tinton Avenue Property Line: Minimum of 150 feet
- From Southern Property Line Abutting Corregidor Road: Minimum of 100 feet
- From Western Property Line: Minimum of 100 feet
- From All Other Property Lines: Minimum of 100 feet

### 4.G.III Surface Parking Lot Setbacks

Setbacks to surface parking lots shall be as follows:

- From Hope Road Property Line: Minimum of 75 feet
- From Tinton Avenue Property Line: Minimum of 75 feet
- From Southern Property Line Abutting Corregidor Road: Minimum of 50 feet
- From Western Property Line: Minimum of 50 feet
- From All Other Property Lines: Minimum of 50 feet

#### 4.G.IV Setbacks from Existing Residential Uses

All buildings, structures and surface parking lots shall be set back a minimum of 100 feet from any contiguous lot currently used for residential purposes. No driveways shall be permitted within this setback.

#### 4.H Landscaped Buffers

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A minimum landscaped buffer of forty (40) feet shall be provided along all property lines, except that a minimum landscaped buffer of eighty (80) feet shall be provided along any property line used for residential purposes. Buffer dimensions shall be measured from property lines.

Buffering should be located to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles and to shield activities from adjacent properties. Buffer areas should be placed in an irregular and natural appearing pattern to form a continuous screen from grade level to a height of five (5) feet.

Landscape plantings may include evergreens, shrubs, deciduous trees or combinations thereof. Existing natural vegetation should be retained, if appropriate. Landscape buffers along the western property line shall consist of primarily coniferous trees to provide year-round screening of the parking areas. Deciduous trees in buffer areas should have at least a two and one-half (2 ½) inch caliper and be eight (8) to ten (10) feet in height at planting, and evergreen trees should be at least six (6) feet tall in height at planting.

No buildings, structures, storage of materials or surface parking lots shall be permitted within a buffer area. However, fences, walls, signs, utilities, driveways, pedestrian walkways, and jogging/walking trails are permitted to cross any buffer area but for a buffer to a property used for residential purposes, whereby only jogging/walking trails shall be permitted.

#### 4.I Critical Environmental Areas

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Surface water bodies, freshwater wetlands, slopes in excess of fifteen (15) percent, and one hundred (100) year flood plains and flood hazard areas are designated critical environmental areas.

The one hundred (100) year flood plain shall be at least that area designated on the streams identified on maps prepared by the Federal Emergency Management Agency and the State of New Jersey, or such broader area on those streams as might result from on-site evaluation. On streams not identified by said maps, the one hundred (100) year flood plain shall be as delineated by a developer's engineer and approved by FMERA's engineers, the Board of Tinton Falls Engineer and the State of New Jersey Division of Water Resources. The flood hazard design elevation shall be determined on an individual basis based upon stream encroachment line data from the Division of Water Resources or, in the absence of that data, the flood elevation based on a one hundred (100) year storm frequency. One or the other shall be delineated on the plat. In addition, the Board of Tinton Falls Engineer may, upon receipt of the application and with the consent of the landowner, determine the precise location of the floodway and flood fringe area by close inspection, field

survey or other appropriate method and cause the same to be marked on the ground and on the plat, notifying the owner, FMERA's engineers, the New Jersey Department of Environmental Protection, Division of Water Resources, and the Board. Where State or Federal agencies have or will publish any reports which clearly delineate by contours the flood hazard design elevation of a watercourse, said report shall be the officially delineated flood hazard area as if said report were published in this Redevelopment Plan.

Critical environmental areas shall be preserved and not built upon except as permitted pursuant to applicable State or Federal regulations and permits issued pursuant thereto.

## **4.J Parking & Loading**

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### **4.J.I Parking Ratios**

Off-street parking for permitted uses shall be provided as follows: Minimum of 1.0 space per 300 square feet of gross floor area.

### **4.J.II Surface Parking**

Surface parking lots shall comply with the following requirements:

- No parking spaces or any driveway aisles providing access thereto shall be located in any required buffer area.
- A minimum of five (5%) percent of any surface parking lot shall be landscaped and shall include one (1) shade tree for every twenty (20) parking spaces. Subject to Planning Board approval, exceptions to this requirement may be made to permit small solar energy systems.
- Off-street parking and loading areas shall be coordinated with the public street system serving the area in order to avoid conflicts with through traffic, obstruction to pedestrian walkways and vehicular thoroughfares.
- All parking and loading areas abutting mixed-use/residential areas shall be buffered about their periphery with landscaping and/or fencing.
- Parking spaces shall be at least nine (9) feet wide.
- Parking spaces shall be a minimum of eighteen (18) feet in length. Parking spaces around the perimeter of a parking lot or parking spaces which face an open space, may be paved sixteen and one-half (16.5) feet in length provided there is a curb at the end of the parking space and at least one and one-half (1.5) feet of open space beyond the curb to allow for the overhang of the vehicle. Said area for vehicle overhang shall not overhang the minimum width of a sidewalk nor shall it be planted with anything other than grass or low ground cover in order to assure the space for the vehicle overhang.
- Parking for the handicapped shall be provided in number, design and location as required by the Americans with Disabilities Act and New Jersey's Barrier Free Subcode. These wider spaces shall be located in areas conveniently related to major entrances, located so that access does not

require wheeling or walking behind parked cars, and be designated as parking for the handicapped

- The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than ninety (90°) degrees.

Parking Angle (degrees)	Aisle Width (feet)
0 (Parallel)	12
30	18
45	18
60	20
90 (perpendicular parking)	24

- All off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work, service or storage of new or used motor vehicles, materials or merchandise of any kind shall be conducted on such parking area.
- Sidewalks shall be required between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic occurs. They shall have a minimum of four (4) feet of passable width and shall be raised a maximum of six (6) inches above the parking area, except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two (2) feet is provided to accommodate such overhang.
- All landscaping in parking areas shall be carefully located so as not to obstruct sight triangles.
- All parking and loading areas shall have drainage facilities installed in accordance with good engineering practice as approved by the Borough of Tinton Falls Engineer. Where subbase conditions are wet, springy or of such nature that surfacing would be inadvisable without first treating the subbase, these areas shall be excavated to a depth of at least six (6) to twelve (12) inches below the proposed subgrade and filled with a suitable subbase material as determined by the Borough Engineer. Where required by the Borough Engineer, a system of porous pipe subsurface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the subbase material has been properly placed and compacted, the parking area surfacing material shall be applied.
- Parking areas, loading areas and driveways shall be curbed and paved. Surfacing shall be approved as part of the plan approval. Areas of ingress and egress, loading and unloading areas, major interior driveways, aisles and other areas shall be paved with not less than four (4) inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers not more than two (2) inches compacted thickness, or equivalent, and a minimum two (2) inch thick compacted wearing surface of bituminous concrete (FABC), or equivalent. All shall

be constructed in accordance with the Standard Specifications of the New Jersey Department of Transportation.

- Off-street parking facilities shall be provided on the same lot as the principal building or use.

#### 4.J.III Parking Location

Structured parking, if constructed, shall not be located between any principal building and Tinton Avenue or Hope Road.

#### 4.J.IV Structured Parking Design

Any number of levels of structured parking is permitted fully below grade. One level of structured parking is permitted on the ground floor of a building. The permitted number of parking levels above grade, including open-air rooftop parking, is set forth in *Section 4.D, Building Height*.

Above-grade, structured parking, whether on the ground level of the principal building or in a free-standing structure, should be designed to create attractive and harmonious façades at all visible levels. Large, uninterrupted blank walls should be avoided. Landscaping may be utilized to create a screen to the lowest level of structured parking.

#### 4.J.V Loading

A minimum of two off-street loading spaces shall be provided for the first 200,000 square feet of gross floor area of any principal building. One off-street loading space shall be required for each additional 200,000 square feet of gross floor area of any principal building thereafter.

### 4.K Signage

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#### 4.K.I Permit Procedure for Signs and Flagpoles

No sign shall be placed, constructed, or erected or modified unless a sign permit shall have been obtained from the Zoning Officer and, where required by the New Jersey Uniform Construction Code, a building permit shall have been obtained from the Construction Official. Signs which are not specifically allowed by this subsection shall be prohibited.

##### 4.K.I.1 A Master Signage Plan

Any application for development in accordance with this Redevelopment Plan shall include a Master Signage Plan which shall include the following information for each proposed sign:

- Size (i.e., length, height, area, thickness, number of faces).
- Letter style and size.
- Illumination.
- Colors (i.e., letter, background, trim), including PMS color samples.



- Construction materials, structured integrity and installation details.
- Location (i.e., height above grade, distance from roofline, building width, location from sides).
- Enumeration of relevant requirements with proposed conditions.
- A graphic depiction of each sign including a sketch or photograph showing the dimensions of each façade, window and canopy of the building to which a sign is to be attached, in sufficient detail to clearly indicate the location, dimension and area of all existing and proposed permanent signs affixed to the walls, windows and canopies of the building. These dimensions shall either be shown on the sketch or photograph or on an attached table. Samples of construction materials shall be submitted.
- In the case of a freestanding sign, a plot plan of the lot shall be required as part of the Master Signage Plan, showing the location of buildings, parking lots, driveways, landscaped areas and all other existing and proposed signs.
- Whenever a Master Signage Plan is filed with the Planning Board, a plot plan as described in this section shall be required for all applications, and all plans and drawings which comprise a part of the Master Signage Plan shall be prepared by a licensed architect, engineer and/or land surveyor, as appropriate.
- The applicant shall provide any additional information which may be deemed necessary to determine whether the signage plan complies with the purpose of the sign regulations.
- When installation or modification of a sign has been approved by the Planning Board as part of a development application, the Construction Official shall issue a sign permit only if the proposed sign is consistent with the Planning Board's approval.
- Where the sign being requested conforms in every way with the provisions of this Redevelopment Plan, site plan approval is not required. The Zoning Officer shall review the application and, if all provisions of the ordinance are met, the Zoning Officer may issue the permit. In the event the proposed sign does not conform to the provisions of this Redevelopment Plan, or in the event there is a request for signage that raises questions, interpretation of the ordinance, or similar issues, the Zoning Officer shall not approve the application, but instead, shall refer the application to the appropriate Board for review and action.

#### **4.K.I.2 Revocation of Permit**

A permit to erect or maintain a sign may be revoked by the Zoning Officer for any one (1) or more of the following causes:

- a. Whenever the application used in obtaining a permit is knowingly false or misleading.
- b. Whenever a licensed structure is not being maintained in a safe, sound, and good condition.

No permit will be revoked for any of said causes until a ten (10) day notice has been given the permittee, which ten (10) day notice shall be served either personally or by first class mail. Any

permittee will be given a hearing thereon by the Zoning Officer if promptly requested, in writing, addressed to the Zoning Officer within five (5) days of notification.

As soon as a permit for a sign is revoked, the permittee shall remove the sign, advertising structure or space within ten (10) working days of written notification, unless an appeal is initiated within thirty (30) calendar days.

#### **4.K.I.3 Denial of Permit**

A permit to erect or maintain a sign may be denied for any one (1) or more of the following:

- a. If the sign is not permitted in this Redevelopment Plan.
- b. If any one (1) or more of the bulk requirements of the Redevelopment Plan have not been met, including but not limited to, size, height, illumination, number of signs, or setback.
- c. In the event that a permit is denied, the applicant may seek a variance for the sign erection or alteration.

#### **4.K.I.4 Fees**

The fees to be paid to the Borough of Tinton Falls for the erection of each new sign shall be:

- For new signs regardless of their size: fifty (\$50.00) dollars per sign.
- For the alteration or relocation of any existing sign, or to change the wording, color, or illumination of an existing sign: fifty (\$50.00) dollars per sign.

#### **4.K.I.5 Violations and Penalties**

Any person, firm or corporation violating any of the provisions of this Redevelopment Plan shall pay a fine not exceeding five hundred (\$500.00) dollars or be imprisoned in the County Jail for a term not exceeding thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **4.K.I.6 Sign Permit Exemptions**

Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this Redevelopment Plan. The exemption shall apply to the requirement for sign permit only. No sign permits shall be required for the following signs:

- Any public notice or warning required by a valid and applicable federal, state, county or local law, regulation or ordinance.
- Any sign which is inside a building, not attached to a window or door, and is not readable from a distance of more than three (3) feet beyond the lot line of the lot or parcel nearest to where such sign is located.
- Holiday lights and decorations with no commercial message.

- Traffic control signs on private property, the face of which meets the Department of Transportation standard, and which contain no commercial message of any sort.
- Flags of the United States, New Jersey, the Borough of Tinton Falls, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by an elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States. The flag pole may not exceed a height of forty-five (45) feet with a maximum flag size four (4) feet by six (6) feet. The statutory requirements associated with flags and generally accepted standards of flag display etiquette shall be observed. Setbacks for flagpoles shall be half the distance of the front yard setback of the principal building from any property line.
- Signs or banners advertising FMERA or Borough sponsored events that are posted with the permission of the Borough Council or FMERA or of any person to whom the Borough Council or FMERA has delegated this authority according to guidelines set by the Borough Council.

#### 4.K.II Measurement of Sign Area

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign and used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the requirements of this Redevelopment Plan and is clearly incidental to the sign itself. No sign shall have more than two (2) display faces. The sign area for a sign with two (2) faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign having two faces is such that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the larger of the two faces. Signs which are required by county, state or federal agencies are exempt from calculation of permanent and temporary signage up to the minimum size required by such agencies. The area of the sign in excess of the minimum shall be subject to the sign calculation. In the event that no size requirement is imposed by such agency, the sign shall not exceed one (1) square foot.

#### 4.K.III Measurement of Sign Height

The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

#### 4.K.IV General Regulations

- Signs should be designed to be aesthetically pleasing and should be located in such a manner so as not to constitute a hazard to vehicles or pedestrians.
- There should be a coordinated graphics design theme. The design theme shall include style and size of lettering, construction materials, colors, location, size and lighting. Color of letters and background should be carefully considered in relation to the color and material of buildings where the signs are proposed.
- Freestanding signs shall be integrated with the landscaping on site.
- No signs shall be erected, placed on, or attached to a structure or erected independently for any purpose other than to advertise a permitted business or use conducted on the same premises. Signage for a business or other purpose located off-site is not permitted.
- No sign except infrastructure and traffic control devices of a duly constituted government shall be erected within the public street right-of-way. No sign shall be placed upon any property without the consent of the property owner.
- No sign shall be erected so that any part of the sign or its supporting members project over a permitted setback line or height limit.
- Signs shall be either freestanding or attached to a building in an approved manner. Freestanding signs shall be supported by one (1), but not more than two (2), columns or uprights firmly imbedded in the ground. Exposed guy wires, braces or other connections shall not be permitted.
- Wall signs shall not obscure, conflict with or cover any architectural element and must be aligned with major building elements such as windows, trim and structure lines.
- No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less. Where signs project beyond a building facade or wall over a pedestrian way, the lowest part of the sign shall be at least eight (8) feet above the walkway.
- Wall, fascia or attached signs shall be firmly attached to the exterior wall of a building and shall not project more than fifteen (15) inches.
- No electric wiring associated with a sign shall be visible to public view.
- Illuminated signs shall be arranged to reflect their light and glare away from adjoining streets and property.
- Signs lit by external sources shall be located in such a manner as to avoid any glare on adjacent property. Sources of sign illumination shall be completely shielded from the view of vehicular traffic using the road or roads abutting the lot on which the sign is located.
- External lights used for the illumination of any sign on a building whether or not such light fixtures are attached to or separate from the building, shall not extend above the highest elevation of the front wall of the building or more than eighteen (18) feet above the street level of the premises, whichever is less.

- Temporary signs are not permitted to be directly illuminated either by internal or external light sources.

#### 4.K.V Prohibited Signs

- No billboards shall be erected, used or maintained within the Borough of Tinton Falls; provided, however, that this regulation shall not apply to temporary signs, otherwise permitted by this subsection, that advertise special events sponsored by nonprofit social, religious, political or cultural organizations or institutions.
- No signs shall be attached to trees, fence posts, stumps, utility poles, water towers, storage tanks, chimneys, smoke stacks, radio towers, antennae, or similar structures.
- No roof sign, known also as a "sky sign," shall be allowed.
- No sign shall be placed on an accessory building.
- No sign shall be lighted by means of a flashing light, nor shall any sign utilize red, green, blue or amber illumination in a beam, light, beacon or flashing form resembling an emergency light shall be erected in any location.
- No sign shall be allowed with optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing of copy. Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement, or to emit a sound, are prohibited, with the exception of signs which alternately show the time of day and temperature by lighted numbers where each sequence remains fixed for at least four (4) seconds.
- No signs shall be allowed on any street furniture.
- The use and display of temporary portable signs or windsocks, kites, banners or strings or streamers of flags, pennants or spinners or similar objects and devices across, upon, over or along any premises or building, whether as part of any sign or for advertising or public attraction, or otherwise, is prohibited except for temporary decorations customarily used for holidays, or for special events as may be approved by the Borough Council.
- The parking of trucks, vans, trailers, and similar vehicles in locations other than the loading or parking spaces intended for those vehicles so that the vehicle and its permanent or temporary signage become an additional form of advertising when regularly parked to be in view of the general public who travels along one (1) or more adjacent streets is prohibited.
- No sign shall be allowed which obstructs any window or door opening used as a means of egress, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.
- No sign shall be allowed which obstructs the view (sight triangle) of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.

- No trademarks or brand names on any sign (including umbrella signs) shall be allowed when the commodity is not available in the establishment.
- No sign element shall be interpreted as part of the architectural element of the building.
- No inflatable signs and tethered balloons shall be allowed, except decorative small balloons.
- No neon or gas filled decorations which outline façade elements or windows are allowed.
- Search lights are prohibited.
- No sandwich board signs shall be permitted. Freestanding signs not permanently anchored into the ground such as tripods, A-frames, signs on trailers, or similar portable structures used as signs are prohibited.
- Any sign having a message which in and of itself is lewd or licentious, or advocates an act in violation of any municipal, County, State or Federal law, shall be prohibited.

#### 4.K.VI Removal of Certain Signs

In the event a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner to comply with this section, the Zoning Officer shall issue a written notice to the sign owner or any lessee and to the property owner, which notice shall state that such sign shall be removed within the following time period:

- a. Sign face: sixty (60) days.
- b. Posts, columns and supporting structures: one (1) year.

If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the Zoning Officer is hereby authorized to cause removal of such sign, and any expenses incidental to such removal shall be charged to owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purposes of this section, the word "remove" shall mean:

- a. The sign face, along with posts, columns or supports or freestanding signs, shall be taken down and removed from the property.
- b. The sign face and supporting structures of projecting, roof or wall signs shall be taken down and removed from the property.

Building and directional signage are permitted within the property limits of Parcel E as follows:

- One ground sign per access driveway entrance. Each ground sign shall not exceed thirty (30) square feet in size. Ground signs shall be constructed so that no void is present between the sign and the ground. Ground signs shall not exceed six (6) feet in height and shall be located a minimum of five (5) feet away from all property lines. Signs should be externally illuminated.
- One building sign up to one hundred (100) square feet in size facing Hope Road. The sign should be externally illuminated. The sign shall not project beyond the roof or sides of the

building. The sign shall not project more than fifteen (15) inches beyond the front surface of the building.

- One directional sign per driveway entrance. Directional signs shall not exceed five (5) square feet in size.
- Freestanding signs, in addition to wall signs and in lieu of a ground sign, a freestanding sign which shall not exceed twenty-five (25) square feet in size, shall be permitted. Freestanding signs shall not exceed eight (8) feet in height with a minimum ground clearance of three (3) feet and shall be located a minimum of ten (10) feet away from all property lines. Illumination is permitted.

#### **4.L Fences and Walls**

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The existing fence along the Tinton Avenue and Hope Road frontages should be preserved to the greatest extent practicable and such fence may be replicated and extended along the southern and western property lines of Parcel E provided that no new fence or wall exceeds the height of the existing fence.

Before a fence shall be erected, constructed, relocated, altered, rebuilt, extended or enlarged, a permit shall be obtained from the Zoning Official of the Borough of Tinton Falls. The finished or right side of any fence or wall shall face the adjoining property or street.

All fences on a parcel shall be consistent in size, texture and design and shall be compatible with the materials, scale and building arrangement of principal and accessory structures on the site.

Where a retaining wall of solid masonry construction is required, the retaining wall shall be permitted, provided that the height of the wall does not exceed six (6) inches above the grade of the land.

Free-standing walls shall be constructed of brick or decorative stone only. Retaining walls required to implement grading plans approved by the Borough Engineer may be constructed of treated lumber, or synthetic, or masonry products meeting nationally recognized engineering standards for retaining wall purposes.

All fences and walls shall be constructed for permanency. No temporary fences or walls are permitted except for construction fences or walls (such as when used as a soil erosion control method), but only with the prior approval of the Planning Board. Snow fences are also permitted as a temporary fence with the approval of the Borough of Tinton Falls Engineer for the safety of, and to promote the general welfare of, the residents of the Borough.

Fences and walls topped with barbed wire, razor wire, broken glass, or similar materials, or that are electrically charged, are prohibited. Wire mesh, canvas, cloth, and other similar materials are prohibited as either a fence or wall, or as an attachment to a fence or wall.

## **4.M Childcare Centers**

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Childcare centers are a permitted accessory use and shall be licensed by the New Jersey Department of Human Services. Childcare centers shall adhere to the following requirements:

- The floor area occupied as a child care center shall be excluded in calculating (1) the number of parking spaces; and (2) the permitted floor area ratio.
- Four (4) off-street parking spaces shall be provided, plus one (1) space for each school vehicle, but in any event not less than either two (2) spaces per teacher and teacher's aide, or two-tenths (0.2) space per student based on the State's approved capacity of the facility, whichever is less.
- An on-site area shall be provided separate from the parking spaces for temporary parking so students leaving vehicles have access to a sidewalk leading into the school without the child having to cross a street, parking lot, loading area, driveway or aisle.
- All outdoor recreation areas shall be fenced and no closer to any lot line than twenty (20) feet. All recreation areas shall be screened from adjoining lots by massed evergreens spaced so as to provide a dense visual screen to buffer the center's activities from adjacent residences. The amount of outdoor recreation area shall be based on the requirements of the New Jersey Department of Human Services.

## **4.N Temporary Offices**

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No temporary building or structure, including trailers or mobile structures used as temporary offices, shall be permitted except those incidental to construction activities taking place on the premises, provided that such shall be removed upon completion or abandonment of the work. The Construction Official of the Borough of Tinton Falls shall issue a temporary permit. Such structure shall not be located so as to be detrimental to any adjoining property, shall be subject to site plan approval and shall be removed from the site prior to the issuance of a Certificate of Occupancy for the permitted construction project or building.

## **4.O Solar Energy Systems**

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### **4.O.1 General Standards**

Solar energy systems are permitted as an accessory use on the same lot as the principal use. The primary purpose of a solar energy system is to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from a small solar system to a supplier/provider. The generation of power shall be limited to one hundred ten percent (110%) of the average annual energy consumed for the principal use of the subject property.



Applications for an energy system shall include information demonstrating compliance with the provisions of this section. All applications for small solar energy systems are to be submitted for site plan review to the Planning Board.

#### 4.0.II Rooftop Solar Arrays

Rooftop solar arrays for small solar energy systems are permitted as an accessory use subject to the following requirements:

- Rooftop solar arrays shall not exceed a height of twelve (12) inches from the existing roof surface of a peaked roof and not exceed a height of four (4) feet from the existing roof surface of a flat roof.
- In no event shall the placement of the solar energy system result in a total building height (including panels and mounting equipment) that is greater than what is permitted in *Section 4.D, Building Height*.

#### 4.0.III Ground mounted solar arrays

Ground mounted solar arrays for solar energy systems are permitted as an accessory use for car ports subject to the following requirements:

- Ground mounted solar arrays installed in a parking lot shall not exceed twenty (20) feet above the surface of the parking lot.
- No more than ten percent (10%) of a lot may be devoted to a ground mounted solar energy system.
- Ground mounted solar energy systems shall not exceed a height of ten (10) feet as measured from the grade plane to the highest point of the mounting equipment and/or panel(s), whichever is higher.
- All ground mounted solar energy systems shall have a distance of seventy-five (75) feet from all property lines abutting non-residential uses. All ground mounted solar energy systems shall have a distance of eighty (80) feet from all property lines used for residential uses.
- Ground mounted solar energy systems shall be screened from the street and adjacent properties by coniferous landscaping to create a continuous buffer.
- Ground arrays shall not contribute to impervious surface calculations, unless installed above an impervious surface.

#### 4.0.IV Additional Requirements

All small solar energy systems shall comply with the following:

- Small energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall any identification be visible from a property line.

- The natural grade of the lot shall not be changed to increase the elevation of any solar array.
- Wires, cables and transmission lines running between the device and any other structure shall be installed underground.
- All ground mounted electrical and control equipment shall be secured to prevent unauthorized access.
- The design of small solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

The installation of a small solar energy system shall conform to the National Electric Code as adopted by the NJ Department of Community Affairs.

- The installation of a small solar energy systems is subject to all local electric company requirements for interconnections.

#### 4.0.V Abandonment

Any small solar energy system that is out of service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Officer of the Borough of Tinton Falls may issue a "Notice of Abandonment" to the owner. The notice shall be sent via regular and certified mail return receipt requested to the owner of record. Any abandoned small solar energy system as defined herein shall be removed at the owner's sole expense within six (6) months after the owner receives the "Notice of Abandonment" from the municipality. If the system is not removed within six (6) months of receipt of notice from the Borough notifying the owner of such abandonment, the Borough may remove the system as set forth below. When an owner of a small solar energy system as defined herein has been notified to remove same and has not done so six (6) months after receiving said notice, then the Borough may remove such system and place a lien upon the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

## **5 DESIGN STANDARDS**

### **5.A Circulation**

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#### **5.A.1 Streets**

Ingress to and egress from Parcel E will require the use of existing roads in the redevelopment area outside the limits of Parcel E, and, in some cases, outside of the boundaries of the redevelopment area that at present are not yet dedicated public roads. Easements or right-of-way agreements for the use of those roads for both construction and permanent ingress and egress to Parcel E, together with appropriate reservations of land within Parcel E as may be necessary for future road widening and dedication, shall be required to be in place as a condition of any final site plan approval granted pursuant to this Redevelopment Plan.

##### **5.A.1.1 Hope Road**

One new vehicular curb cut for driveway access shall be provided on Hope Road. The driveway should follow the former right-of-way of Hemphill Road and preserve the existing allée of trees to the extent practicable. A guardhouse may be provided at this driveway entrance a minimum of fifty (50) feet from the curb cut on Hope Road.

Additionally, the existing Hope Road access at Corregidor Road (which is outside the limits of Parcel E) may be used to provide access to Parcel E.

##### **5.A.1.2 Tinton Avenue**

One vehicular curb cut for driveway access is permitted on Tinton Avenue.

##### **5.A.1.3 Corregidor Road**

Two vehicular curb cuts and driveway connections are permitted from Corregidor Road (which is outside the limits of Parcel E).

##### **5.A.1.4 Bataan Avenue**

Parcel E's western property line does not extend to Bataan Avenue. Therefore, vehicular curb cuts and driveways are prohibited from Bataan Avenue. However, during construction, and at the discretion of FMERA, temporary access may be granted to Parcel E from Bataan Avenue.

##### **5.A.1.5 Municipal Drive/ Pearl Harbor Road**

Construction access to Parcel E shall be available via Pine Brook Road to Municipal Drive/Pearl Harbor Avenue or the Tinton Falls Department of Public Works yard to the west end of Corregidor Road. Subject to the approval of the Borough of Tinton Falls as part of the site plan approval

process, permanent access to Parcel E shall be via Municipal Drive/ Pearl Harbor Avenue to Corregidor Road.

## 5.A.II Driveways

Driveways shall comply with the following requirements:

- A driveway shall be at an angle of seventy-five (75°) degrees to one hundred five (105°) degrees with the intersecting street.
- The portion of the driveway between the street right-of-way and the cartway (including the apron and sidewalk) shall be paved with concrete [4,500 p.s.i. strength and six (6) inches thick].
- Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the driveway connected to the street in the same manner as another street.
- The grade of a driveway shall not exceed ten (10%) percent.
- Driveway pavement widths shall be a minimum of twenty-five (25) feet and a maximum of forty (40) feet.
- Minimum distance to street intersections shall be fifty (50) feet.
- Driveways shall be located at least twenty (20) feet from property lines other than street rights-of-way.
- Driveways shall be a durable, dust free, all weather proof surface, such as concrete, asphalt, or closed cell pavers.

## 5.A.III Curbs, Gutters and Sidewalks

- Monolithic concrete curb and gutter, or concrete curb, as directed by the Planning Board, shall be installed along every street within any new development and along the front and side of all lots abutting existing roadways where curbing does not exist.
- Curbs shall be set in accordance with approved lines and grades and radial curbs shall be formed in an arc segment, on a smooth curve. Chord segments are prohibited. Standard curb, or curb and gutter, sections shall be ten (10) feet in length with preformed expansion joint material on not more than twenty-foot centers. The exposed curb face on local roads shall be six (6) inches and on County and State roads shall be the dimension set by the County or State Engineer.
- Concrete for curbing shall be made with air-entrained cement, Class B, having a compressive strength in twenty-eight (28) days of four thousand five hundred (4,500) pounds per square inch, or better. Ramps for bicycles and/or wheelchairs shall be provided in accordance with the Design Standards for Curb Ramps for the Physically Handicapped, prepared by the New Jersey Department of Transportation.
- Sidewalks shall be installed in selected locations determined by the Planning Board to be in the interest of public safety and proper pedestrian circulation, considering the probable volume of

pedestrian traffic, the adjoining street classification where sidewalks parallel streets, school bus stops, recreation areas, schools, retail centers, jobs, and the general type of improvement intended.

- Where required, sidewalks shall be at least four (4) feet wide, but may be increased to six (6) feet, eight (8) feet, or ten (10) feet as concentrations of pedestrian activity can be expected to increase.
- All public sidewalks shall be constructed of concrete, be at least four (4) inches thick except at points of vehicular crossing where they shall be at least six (6) inches thick, of Class B concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) pounds per square inch, and shall be air-entrained.
- Where any sidewalk crosses curbs, curb ramps shall be provided as outlined above. Preformed expansion joint material shall be placed on concrete sidewalks at maximum twenty (20) foot intervals and where sidewalks abut either curbing or a structure.

#### 5.A.IV Sight Triangles

Sight triangles shall be required at intersections of streets and driveways.

The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement.

Within a sight triangle, no grading, planting or structure shall be erected or maintained more than twenty four (24) inches above the center line grade of either an intersecting street or driveway, or lower than eight (8) feet above the same centerlines, excluding street name signs and official traffic regulation signs.

Where any street or driveway intersection involves berms or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle.

For an intersection of a driveway and street which is not controlled by a stop sign or traffic signal, the sight triangle is that area bounded by the intersecting street center lines and a straight line which connects sight points located on each of the two (2) intersecting center lines ninety (90) feet away .

Where a driveway is controlled by a stop sign, then the sight triangle shall be established from a point fifteen (15) feet back from the edge of pavement of the through street to a point measured to the center of the oncoming traffic lane for a distance equivalent to ten (10) times the speed limit.

Any proposed development requiring site plan approval shall provide sight triangle easements at each driveway with the driveway classified as a local street for purposes of establishing distances.

Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by this Redevelopment Plan.

### 5.A.V Bicycle Racks

Bicycle racks, each capable of holding six (6) or more bicycles, shall be provided outdoors within 100 feet of major building entrances.

### 5.B Open Space and Recreation Areas

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Developers are encouraged to provide passive open space and walking trails as well as active recreation for use by employees and visitors. However, except as provided herein, no such areas are permitted within a required buffer area.

### 5.C Landscaping/Shade Trees

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- All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles.
- Deciduous trees in planting areas shall have at least a two and one-half (2 1/2) inch caliper and be eight (8) to ten (10) feet in height at planting, and evergreen trees shall be at least 6 feet tall. All trees shall be balled and burlapped and be of specimen quality as established by the American Association of Nurserymen.
- All shade trees shall have a minimum diameter of four (4) inches measured six (6) inches above the ground and be of a species approved by the Tinton Falls Shade Tree Commission.
  - a. Shade trees shall be required on all development applications.
  - b. Shade trees shall be planted approximately forty (40) feet apart and parallel to and at a distance of twelve and one-half (12.5) feet from the curblineline or edge of pavement if no curb is to be installed, and shall be balled and burlapped, nursery grown, free from insects and disease and true to species and variety.
  - c. Shade trees shall be located not closer than twenty-five (25) feet to any existing or proposed streetlight or street intersection.
  - d. No shade tree shall be removed for the construction of any driveway or curb cut without replacement.
  - e. Routine maintenance of shade trees shall be the responsibility of the property owner and shall commence once the certificate of occupancy has been issued.
  - f. The developer shall guarantee that each shade tree shall fully survive until such time as the release of the maintenance guarantee. The Borough Engineer shall inspect the shade trees at the time of the request for the release of the performance guarantee and shall require that the dead or dying trees be replaced. Upon request by the developer for the release of the maintenance guarantee the Borough Engineer shall inspect the shade trees and shall require that the dead or dying trees be replaced.

- Any landscaping which, within two (2) years of planting, dies, for any reason, shall be replaced by the developer(s) or by the current owner at their sole expense.
- Native species and their cultivars shall be used in all landscape designs. Nonindigenous Plant Species, as identified by the New Jersey Department of Environmental Protection, Natural and Historic Resources Group, Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program 2004 publication "An Overview of Nonindigenous Plant Species in New Jersey", or any subsequent revision, shall be prohibited.
- The following principles shall be considered:
  - a. Landscaping shall be located to provide for climate control.
  - b. Landscaping shall be used to accent and complement buildings.
  - c. Landscaping shall be provided in public areas, parking areas, recreation sites and adjacent to buildings.
  - d. Vines and climbing plants may be considered for large expanses of wall.
  - e. Massing trees may be considered at critical points.
  - f. Smaller trees shall be used on narrow streets.
  - g. Ground cover shall be used to prevent erosion.
  - h. A variety and mixture of landscaping shall be provided. Consideration shall be given to susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
  - i. Local soil conditions and water availability shall be considered in the choice of landscaping.
  - j. Existing trees located within ten (10) feet of any street right of way shall be maintained unless shown to be removed as part of an approved plan. The existing grade within that space shall not be disturbed without such approval.
  - k. Entrances to nonresidential lots shall be given special landscaping treatment with an entrance feature.
  - l. The impact of any proposed landscaping plan at various time intervals shall be considered. Shrubs may grow and eventually block sight distances. Foundation plants may block out buildings.
  - m. Existing large trees (more than six (6) inch caliper) shall be saved by not varying the grade around the trees by more than six(6) inches, by construction of tree wells and by erecting protective fences.
  - n. Landscaping in parking areas shall be provided in accordance with *Section 4.J.II, Surface Parking*.

- o. Impervious materials shall not be used in any landscape area. Weed retardant mulch, porous non-woven synthetic landscape fabric or other materials shall be used.
  - p. Vegetative ground cover is encouraged.
- Stripping trees from a lot or filling soil around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees. Dead or dying trees shall be removed and dead limbs trimmed by the developer prior to the issuance of a certificate of occupancy.
  - A landscape plan prepared by a certified landscape architect shall be submitted with every site plan showing the proposed grading, plant material and other features such as, but not limited to, street furniture, walkway locations, pavement material, lighting, and any decorative improvements that are located outside parking and loading areas detailed above, including, but not limited to, stormwater management facilities, street trees, park and recreation areas, the yard areas of buildings, and building foundation plantings.

## **5.D Building Design Guidelines**

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### **5.D.I Building Entries**

Pedestrian building entries should be clearly visible and highlighted within facades through projections, recessions and/or material changes, as well as canopies, awnings, overhangs, and /or lighting.

### **5.D.II Service Areas**

Exposed storage areas, service areas, truck loading areas, and accessory buildings and structures should be screened with plantings and/or fenced in an appropriate and attractive manner.

Outdoor storage of materials, equipment, or goods of any kind is prohibited.

### **5.D.III Green Architecture**

Developers are strongly encouraged to create site plans and building designs with features that would achieve a “Certified” or higher LEED status (i.e., Silver, Gold or Platinum) under one of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) building rating systems, such as the LEED-NC for New Construction system. Rather than undergoing the formal paperwork process necessary for official LEED certification, developers are encouraged to pledge to incorporate environmentally beneficial features similar to those found in the various LEED rating systems.

## **5.E Lighting**

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All outdoor light fixtures installed and thereafter maintained, should comply with the following requirements:



- Only shielded light fixtures shall be used.
- The design and installation of outdoor lighting on a site shall be constructed so as to conform to the following standards:
  - All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off.
  - All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.
  - All lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.
  - No lighting shall be of a yellow, red, green or blue beam nor be a rotating, pulsating or other intermittent frequency.
- All light fixtures shall be designed, installed and maintained to prevent trespass light.
- The maximum height of freestanding lights shall not exceed the height of the principal building, or twenty-four (24) feet, whichever is less,
- The style of the light and light standards shall be consistent with the architectural style of the principal building or surrounding area.
- Freestanding lights shall be so located and protected to avoid being damaged by vehicles.
- The maximum illumination at property lines shall be one-tenth (0.1) footcandle.
- All wiring shall be laid underground.
- The light intensity provided at the ground level shall be as follows:

	<b>Footcandles</b>
Minimum	0.5
Maximum on any location	4.0
Maximum average entire area	2.0
Uniformity ratio-Not greater than	4:1

## **5.F Easements**

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Easements, if required to be provided, shall be identified on a site plan plat. These may include, but are not limited to, easements for shade trees, wetlands, wetlands transition areas, conservation, cross-easements for access, utilities, sight triangles, and stormwater management.. All easements shall be dimensioned as to permit the accurate location of the easement and the appropriate location of improvements, if any, therein. Each type of easement shall be identified in a note on the plat as to

the purposes, restrictions and conditions applicable within the easement, which language shall be placed in each property deed as appropriate.

## **5.G Fire Protection**

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Provision shall be made for fire hydrants along streets and/or on the walls of principal structures as approved by the Borough of Tinton Falls Fire Marshal or Engineer and in accordance with the Insurance Service Office of New Jersey. Said fire hydrants shall be installed at locations shown on the approved preliminary plat.

Where streams or ponds exist, or are proposed, and there is no central water supply, facilities shall be provided to draft water for firefighting purposes, including access suitable for fire-fighting equipment and construction of, or improvements to, ponds, dams or similar on-site or off-site facilities. Such facilities shall be constructed to the satisfaction of the Borough Engineer and Fire Marshal and in accordance with the Insurance Service Office of New Jersey. Their location shall be constructed in locations as shown and approved on the preliminary plat.

## **5.H Storage and Disposal of Waste**

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- Outdoor refuse and recycling containers shall be visually screened within a durable enclosure.
- No refuse and recycling storage area shall be located so as to prevent natural runoff from such areas or impair the existing water quality of any stream, watercourse or aquifer.
- All materials or wastes which might cause fumes, dust, odor or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in sealed and covered containers which are adequate to eliminate such hazards.
- Refuse and recycling collection areas shall be effectively designed to contain all refuse generated on site and deposited between collections.
- Refuse and recycling collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.
- Refuse and recycling collection areas shall be located to provide clear and convenient access to refuse collection vehicles.
- Medical, hazardous or other regulated waste shall meet the state and federal standards for such materials.
- In those cases where the operation of a commercial use requires cooking, baking, frying, steaming and other methods of exhausting from the premises, as well as air conditioners and refrigeration or other mechanical devices usually located outside of a building on the grounds or roof or otherwise appurtenant to the building, the Planning Board shall be assured that the exhaust and other mechanical devices are designed, located, oriented, screened and built of such materials, that surrounding residential and nonresidential uses are not impacted by noise, smoke, odors, fumes or other environmentally disturbing attributes.

## 5.1 Utilities

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Utility services to Parcel E will require the use of existing utility lines and infrastructure, or the construction or installation of new utilities lines and infrastructure. Such utilities lines and infrastructure either currently occupy, or in the future may occupy, roadways and other properties in the redevelopment area but outside the limits of Parcel E, and in some cases, outside of the boundaries of the redevelopment area. Appropriate easements or right-of-way agreements relating to the provision of utilities lines, infrastructure and services to Parcel E shall be required to be in place as a condition of any final site plan approval granted pursuant to this Redevelopment Plan.

- All public services shall either be connected to approved public utilities systems where they exist or be installed in locations to enable future connections with contemplated systems and shall be adequate to handle all present and probable future development.
- Utility lines, and their supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot.
- The developer shall arrange with the servicing electric, telephone and cable TV utility for the underground installation of the utility's distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Regulatory Commissioners. In the event existing overhead lines are moved, they shall be installed underground
- The developer shall submit to the Planning Board, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance, or intended full compliance, with the provisions of this Redevelopment Plan. Existing overhead electric, telephone, or cable TV distribution supply lines shall have the existing overhead facilities and all service connections from these facilities placed underground.
- Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year-round.
- On any lot where, by reason of soil conditions, wooded area or other special condition of land, the developer deems it a hardship to comply with the provisions of this section, the developer may apply to the Planning Board for an exception from the terms of this subsection.
- Any installation under this subsection to be performed by a servicing utility shall be exempt from the requirement of performance guaranties, but shall be subject to inspection and certification by the Borough Engineer.

## 5.J Performance Standards

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### 5.J.I General Applications

As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall certify compliance with the performance standards contained herein. Permits and certificates required by other government agencies shall be submitted to the Board as proof of compliance with applicable codes.

### 5.J.II Regulation of Nuisance Elements

The determination of the existence of nuisance elements shall be made to the following locations:

<i>Nuisance Characteristic</i>	<i>Location of Tests</i>
Smoke	Vent or smokestack
Air pollution including solid particles or fly ash	Vent or smokestack
Odors	Property line
Liquid waste	Property line
Solid waste	Property line
Noise	Property line
Vibration	Building wall
Glare	Property line
Trespass Lighting	Property line
Temperature change: Gas, Liquid or Solid	Vent or smokestack

Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

### 5.J.III Standards to be Enforced

#### 5.J.III.1 Air Pollution

No substance shall be emitted into the atmosphere in quantities which are injurious to human, plant or animal life or to property or which interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Borough. All provisions of Title 7, Chapter 27 of the New Jersey Administrative Code, (N.J.A.C.), or the regulations contained in this section, whichever shall be more stringent, shall apply.

Smoke. In any nonresidential area, no smoke, the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel-burning

equipment; provide, however, that smoke emitted during the cleaning of a firebox or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelmann Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes. Smoke emissions from the combustion of fuel and mobile sources and from stationary internal combustion engines shall not exceed the limits set forth in N.J.A.C. 7:27.

No open burning shall be permitted in any area unless approved by the Fire Marshal.

### **5J.III.2 Wastes**

#### **LIQUID WASTES**

No liquid waste shall be discharged into any watercourse in the Borough without all necessary permits from the New Jersey Department of Environmental Protection (NJDEP). No liquid waste shall be discharged into the public sewage collection and disposal system unless the appropriate Borough official shall have first investigated the character and volume of such wastes and shall have certified that the Borough will accept the discharge of such waste material into the system. The applicant shall comply with any requirements of said officials, including the pretreating of such wastes, the installation of processing methods, separation or screening of wastes, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities. Solid Waste

Each property owner shall be responsible for:

- Adequate and regular collection and removal of all refuse, except where the Borough assumes such responsibility.
- Compliance with all applicable provisions of the NJDEP.
- Compliance with all provisions of Title 7, Chapter 26, of the N.J.A.C., where applicable.
- No accumulation on the property of any junk or other objectionable materials except in designated trash receptacles.

### **5J.III.3 Noise**

All applications shall comply with the provisions of N.J.A.C. 7:29.

### **5J.III.4 Vibration**

In any area, vibrations discernible without instruments at the measuring location shall not be permitted.

### **5J.III.5 Glare**

No single standard for glare is promulgated in this section due to the impracticality of establishing such standards. It is the intent of these performance standards to ensure that both direct and indirect glare, to the extent possible, are eliminated or that activities producing such glare are carried on

within a structure. Necessary glare-producing devices such as glazing, roadway and walkway lighting shall be designed, constructed and maintained in such a manner as not to be a nuisance to surrounding uses.

#### **5.J.III.6 Trespass Lighting**

All applications shall comply with the provisions of this Redevelopment Plan.

#### **5.J.III.7 Temperature Change**

Any use or process shall not produce a temperature change greater than three (3°C.) degrees Celsius at the measuring location.

#### **5.J.III.8 Fire and Explosive Hazards**

If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Planning Board may require the applicant to supply proof of:

- Approval of the use, structure, process or resulting product or material from the State Department of Labor indicating that adequate safeguards against fire and explosion have been taken or installed.
- Approval from the Borough of Tinton Falls Fire Department that the applicant has complied with all applicable Borough fire prevention regulations.

## 6 RELATIONSHIP TO DEVELOPMENT REGULATIONS AND OTHER PLANS

### 6.A Relationship to Fort Monmouth Reuse and Redevelopment Plan

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As a result of the BRAC decision, the Fort Monmouth Economic Revitalization Planning Authority (FMERPA) was created as the Local Redevelopment Authority in charge of coordinating the Fort's closure and planning for its reuse pursuant to P.L.2006, c.16 (C.52:27I-1 et seq.). FMERPA's charge was to "encourage enlightened land use and to create employment and other business opportunities" for the three host communities.

On September 4, 2008, FMERPA submitted a comprehensive conversion and revitalization plan for Fort Monmouth (i.e., "Fort Monmouth Reuse and Redevelopment Plan") and a homeless assistance submission to the United States Department of Defense and the United States Department of Housing and Urban Development, as required under the applicable federal Base Realignment and Closure law and regulations. Both federal agencies subsequently accepted the *Reuse Plan*.

The *Reuse Plan* represents the "Master Plan" for Fort Monmouth. To implement the plan, the State legislature, pursuant to P.L. 2010, Chapter 51, empowered an authority to replace FMERPA known as the Fort Monmouth Economic Revitalization Authority (FMERA). FMERA's charge is to advance the *Reuse and Redevelopment Plan* for economic development, growth and planning, with a focus on technology-based industries. To achieve these goals, FMERA has been afforded a multitude of tools to revitalize and redevelop the Fort Monmouth area and implement the revitalization plan. Among them are the ability to undertake redevelopment projects and to adopt development and design guidelines and land use regulations in connection with the provision of utilities, streets, roads or other infrastructure required for the implementation of the revitalization plan.

This Redevelopment Plan fulfills the objectives and planning principles outlined in the *Reuse Plan*, and is intended to be read together with it. Issues of interpretation should be resolved so as to promote consistency between this Redevelopment Plan and the *Reuse Plan*. Those planning objectives articulated in the *Reuse Plan* include the following:

- *Promote the Technology Corridor Initiative.* When the *Reuse Plan* was adopted, the governor touted the Fort's potential to become a "high-tech corridor." The Redevelopment Plan allows for the development of office/R&D facilities within the redevelopment area.
- *Be consistent with State, County, and Municipal planning policies.* The Redevelopment Plan is consistent with State, County, and Municipal planning policies, as set forth below.
- *Focus on business retention and attraction, job replacement, and employee training.* The Redevelopment Plan is intended to guide the development of office/R&D space in the

redevelopment area thereby aiding FMERA in its efforts to attract suitable users who wish to develop new/expanded facilities, or who desire to relocate to Fort Monmouth from locations outside the region.

- *Be founded on market and economic analysis.* By providing guidelines and standards for the development of office/R&D space in the redevelopment area, the Redevelopment Plan responds to the current needs of the marketplace. In particular, the planned improvements to the Garden State Parkway are likely to render portions of the redevelopment area, including Parcel E, more valuable for non-residential use, and, therefore, more attractive to potential corporate office/research users.
- *Leverage Fort assets (people, infrastructure, location).* The Redevelopment Plan leverages the locational assets of the redevelopment area, i.e., proximity to the Garden State Parkway, to permit new office/R&D users that generate much-needed local employment and tax ratables.
- *Be a green community model.* The Redevelopment Plan encourages the developer of Parcel E to incorporate sustainability measures, including LEED certifiable standards, as part of the overall project design.

The Redevelopment Plan further advances a number of key planning principles from which the overall concepts in the *Reuse Plan* were devised:

*Principle #1: Decreasing Density West to East & Create Mixed-Use Live/Work/Leisure Centers.*

The *Reuse Plan* affirmatively states that the roadway capacity and infrastructure serving Fort Monmouth best supports higher density reuse and redevelopment in locations adjacent to the Garden State Parkway. Greater density in the Tinton Falls area of Fort Monmouth was also supported in the *Reuse Plan* because there were fewer environmentally constrained parcels than elsewhere on the Fort. This Redevelopment Plan is consistent with this principle.

*Principle #2: Link centers & increase mobility with connected transit infrastructure serving the region and the Fort.*

The Redevelopment Plan allows a redevelopment pattern that takes advantage of the area's close proximity to the Garden State Parkway. This Redevelopment Plan does not impact the *Reuse Plan's* vision for an extensive system of bikeways, pedestrian trails and sidewalks.

*Principle #3: Enhance auto mobility and redevelopment capacity with targeted roadway infrastructure improvements.*

The *Reuse Plan* acknowledges that redevelopment of the Fort will require improvements to the roadway system. Specifically, the *Plan* identifies the potential need to widen Tinton Avenue to provide added



roadway capacity into the general area; and the potential need to widen Hope Road to provide added capacity between Route 36 and the Fort area.

*Principle #4: Combine open space, habitat, and water resources to establish a continuous Blue – Green belt.* The Redevelopment Plan does not preclude the creation of an open space network consisting of environmentally sensitive areas, including wetlands, watercourses, and habitats.

*Principle #5: Utilize the Blue – Green belt as an armature for enhanced bicycle and pedestrian mobility throughout the Fort.* The Redevelopment Plan does not impact the proposed bike path, or trails envisioned as part of the Reuse Plan.

*Principle #6: Remove Fort boundaries & extend existing land uses to reconnect the Fort to the communities.* The Redevelopment Plan does not prevent the opening of any gates into the Fort, nor inhibit public access to the Fort’s amenities.

*Principle #7: Leverage existing Fort Monmouth assets (People, Buildings, Technology, and Infrastructure).* Although some existing Fort buildings will be demolished, the Redevelopment Plan does not advocate the removal of any buildings identified in the *Reuse Plan* as being required for preservation.

In summary, the Redevelopment Plan is consistent with the *Reuse Plan* elements, objectives and planning principles.

The Redevelopment Plan is also consistent with the alternative “overlay” land use scenario currently under consideration as an amendment and supplement to the *Reuse Plan*, (“Amendment #1”). The proposed amendment maintains the *Reuse Plan*’s land use concepts and plans while permitting an alternative development scenario that, if pursued, would result in the development of 650,000 square feet of professional office/R&D space on Parcel E, a 55-acre piece of land in the northeast quadrant of the Tinton Falls Reuse Area. In the *Reuse Plan*, Parcel E is planned for low- and medium-density housing totaling 126 units, together with ball fields and a field house, and three neighborhood pocket parks. The proposed amendment would allow for office development on Parcel E, Under such alternative, the total number of residential units within the Tinton Falls Reuse Area would remain at 288, however the 126 residential units envisioned for Parcel E would be redistributed to other locations within the Tinton Falls Reuse Area.

Pursuant to *N.J.S.A. 52:27I-35*, the FMERA Board voted to transmit a copy of the proposed Amendment #1 to the governing body of each host municipality on February 15, 2012. On March 8, 2012, FMERA staff met with representatives of the three host municipalities to officially transmit the amendment and commence the 45 day comment period during which time the the host municipalities review and may transmit a report to the FMERA Board containing its recommendation concerning the proposed amendment. Once the comment period is over, the FMERA Board may consider approval or disapproval of the proposed amendment.

## **6.B Relationship to FMERA Directive**

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To implement the *Fort Monmouth Reuse and Redevelopment Plan*, the New Jersey State legislature empowered the Fort Monmouth Economic Revitalization Authority (FMERA) to adopt any modifications or amendments to the *Reuse Plan* and adopt development and design guidelines and land use regulations to implement the plan.

Pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), FMERA's purpose is the following:

to oversee, administer, and implement the [Reuse Plan] as provided in this act, in a manner that will promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare; to conserve the natural resources of the State; to provide housing, including housing to address identified needs related to homelessness; and to advance the general prosperity and economic welfare of the people in the host municipalities, the county, and the entire State by cooperating and acting in conjunction with other organizations, public and private, to promote and advance the economic use of the facilities located at Fort Monmouth.

The Redevelopment Plan advances both FMERA's stated purpose and the public welfare, by promoting, developing, encouraging and maintaining employment, commerce and economic development.

## **6.C Relationship to Master Plans of the Borough of Tinton Falls and Adjacent Municipalities**

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The former fort properties in Tinton Falls are included within the "master plan" for Fort Monmouth, i.e., the *Reuse and Redevelopment Plan*. However, a vision for the redevelopment of the fort is provided in the most recent Master Plan for the Borough of Tinton Falls, adopted by the Borough Planning Board on April 25, 2007. The Borough Master Plan anticipates the imminent redevelopment of Fort Monmouth, stating among its goals to "ensure the most appropriate reuse of Fort Monmouth." In addition, the Master Plan asserts that "given this piece of property represents the last best opportunity to do something special for the Borough, it is appropriate that Tinton Falls advance its vision for the ultimate development of the site." To that end, the Plan articulates a vision for the fort's future as "a vibrant mixed-use development with commercial, residential, entertainment and public uses in a traditional main street setting." This Redevelopment Plan is consistent with the vision articulated in the Borough Master Plan.

The Borough of Tinton Falls is bordered to the north by the Township of Middletown and Borough of Red Bank; to the east by the Borough and Township of Shrewsbury, Borough of Eatontown, Township of Ocean, Township of Neptune; to the south by Wall Township; and to the west by Township of Colts Neck. But for the Borough of Eatontown, none of these municipalities directly adjoin the redevelopment area.

Directly across Hope Road from the redevelopment area is the Suneagles Golf Course which is located on the former Fort Monmouth properties in the Borough of Eatontown. The *Reuse and Redevelopment Plan* and the Borough of Eatontown Master Plan (adopted July 23, 2007) envisions that the golf course will remain a golf course. To the north of Tinton Avenue in Eatontown is a high-density residential area and the Borough Master Plan does not change this designation on the Master Plan Map. The Borough Master Plan also notes that the Borough will need to work with the redevelopers of the fort properties to coordinate plans for streets, sewerage, drainage, and utilities. This Redevelopment Plan is generally consistent with the Borough of Eatontown Master Plan.

## **6.D Relationship to Monmouth County Plan**

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### **THE MONMOUTH COUNTY GROWTH MANAGEMENT GUIDE**

The Monmouth County Planning Board adopted *The Monmouth County Growth Management Guide: Goals, Objectives and Policies* in December 1995 as the official master plan pursuant to N.J.S.A. 40:27-4 et seq. The *Growth Management Guide* provides a series of goals, objectives and policies related to ten categories: air resources, centers, comprehensive planning, economic development, farmland preservation and agricultural development, historic, cultural, natural and scenic resources, housing, solid waste, transportation and water resources. The municipalities in Monmouth County use this document to address the statutory requirement of reviewing adjacent municipal plans, County plans and the *State Development and Redevelopment Plan* (SDRP).

This Redevelopment Plan is consistent with the goal for economic development, which is as follows:

To promote managed growth by providing a suitable long-term economic climate and preserving and enhancing the quality of life in Monmouth County for the attraction of new businesses and the retention of existing businesses.

The Redevelopment Plan is also consistent with the objectives for economic development articulated in the *Growth Management Guide*, and specifically the following objectives:

- Objective 1: Promote the development and support of businesses that keep money circulating within the county, increase capital flowing into the county and provide long-term employment opportunities
- Objective 2: Promote the efficient utilization of land, resources, transportation, capital and infrastructure.
- Objective 3: Encourage the use of public funds to support the development of businesses that are beneficial to the county and create job opportunities for Monmouth County residents.
- Objective 4: Enhance the regional economy by encouraging cooperation among municipalities.
- Objective 5: Promote the development of diversified industries to avoid employment losses associated with the business cycle.

Objective 6: Support activities which provide a high quality of life for Monmouth County residents in addition to contributing to the local economy such as tourism, historic preservation, agriculture and fishing.

Objective 7: Promote the development of mechanisms that enable more people to enter the labor force.

#### **MONMOUTH COUNTY SCENIC ROADWAY PLAN**

Adopted in 2001, the Monmouth County Scenic Roadway Plan is an Element of the Monmouth County Growth Management Guide. The purpose of the Scenic Roadway Plan is to identify and offer alternative design guidelines for County roadways or sections of County roadways that possess a high degree of visual quality. The Scenic Roadway Plan identifies half-mile portion of Tinton Avenue in Tinton Falls as a Scenic Roadway. The Monmouth County Scenic Roadway Plan contains 14 Scenic Roadway Policies which encourage and offer various ways for municipalities to preserve, enhance and promote their scenic roadways.

The most relevant policy of the Scenic Roadway Plan to the redevelopment area is as follows:

Policy 4: Municipalities are encouraged to implement site design guidelines that promote well-planned and well-designed projects that complement the surrounding environment and preserve scenic resources.

The setback and buffer requirements contained in the Redevelopment Plan are consistent with this policy.

#### **MONMOUTH COUNTY OPEN SPACE PLAN**

The Monmouth County Open Space Plan, adopted by the Monmouth County Planning Board in August 2006 as an element of the Monmouth County Growth Management Guide, specifically advocates the acquisition of a portion of the Fort Monmouth property as a new County park site. To fulfill this acquisition, Monmouth County filed a Notice of Interest for park and recreation lands within Fort Monmouth. The County subsequently filed an application to the National Park Service's Federal Lands to Park Program for a Public Benefit Conveyance, which was endorsed by the three host municipalities of Eatontown, Oceanport and Tinton Falls.

The Redevelopment Plan is not inconsistent with the County's interests with regard to parks and recreation.

## **6.E Relationship to the State Development and Redevelopment Plan**

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On March 1, 2001, the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the SDRP, the redevelopment area is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas which "provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." The Redevelopment Plan is well-reconciled with the guiding

policies and policy objectives of the adopted SDRP for Planning Area 1, Metropolitan Planning Area.

Consistent with the goals for PA-1, the Redevelopment Plan promotes the type of redevelopment that will transform an unused and unproductive area into a vibrant, mixed-use community with compact development that will ensure efficient utilization of scarce land resources while also carefully protecting the character of surrounding communities. Also in accordance with the objectives for PA-1, the Redevelopment Plan allows for new development in a location well served by existing transportation networks, including the Garden State Parkway.

## **6.F Relationship to the Borough of Tinton Falls Land Use Ordinance**

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This Redevelopment Plan shall supersede all provisions of *Chapter XL Land Use Ordinance* of the Borough of Tinton Falls General Ordinances, except as to the procedures to be followed for obtaining site plan and subdivision approval.

Adoption of this Plan by the Borough Council shall be further considered an amendment to the Borough of Tinton Falls Zoning Map.

## **7 REDEVELOPMENT ACTIONS**

### **7.A Outline of Proposed Actions**

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Construction of new buildings and other improvements will take place as proposed in this Redevelopment Plan. Other actions that may need to be undertaken to implement the Redevelopment Plan may include the clearance of dilapidated, deteriorated, obsolete or underutilized structures or uses; provisions of infrastructure necessary to service and support new development; and creation and/or vacation of easements as may be necessary for redevelopment.

### **7.B Properties to be Acquired**

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Notwithstanding any provision to the contrary in the LRHL, the Borough shall not utilize eminent domain and will not acquire any properties as part of this Redevelopment Plan, other than by way of acceptance of an offer of dedication of roadways for public use.

### **7.C Demolition**

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Existing residential structures on Hemphill Road and the remaining Capchart-Wherry residence will be demolished to accommodate redevelopment.

### **7.D Relocation**

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The Borough will not undertake any relocation as part of this Redevelopment Plan.

### **7.E FMERA Board's Consent to Redevelopment Plan**

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Pursuant to N.J.S.A. 52:27I-34(f), "... the host municipalities shall not ... adopt a redevelopment plan for any property within the project area pursuant to the 'Local Redevelopment and Housing Law,' P.L.1992, c.79 (C.40A:12A-1 et al.) without the consent of the authority." *See also* Section 9, *infra*, regarding FMERA's consent required for amendments to this Redevelopment Plan.

## **8 GENERAL PROVISIONS**

### **8.A Subdivision and Site Plan Review**

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Prior to commencement of construction, subdivision and site plans for the construction of improvements to Parcel E prepared in accordance with the requirements of *Chapter XL Land Use Ordinance* of the Borough of Tinton Falls General Ordinances shall be submitted for review and approval by the Planning Board of the Borough of Tinton Falls.

Prior to or simultaneous with submitting an application for subdivision or site plan approval to the Planning Board, the applicant must submit the application to FMERA for administrative conceptual review by FMERA. The application will not be deemed complete until the Planning Board has received FMERA's written determination as to the results of that conceptual review. Pursuant to N.J.S.A. 52:27I-34(b), such conceptual review by FMERA "unless accompanied by a request for a variance to be granted by ... [FMERA], ... shall be completed within 45 days of ... [FMERA's] receipt of the application, or within such later time period if agreed to be the applicant."

### **8.B Adverse Influences**

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

### **8.C Non-Discrimination Provisions**

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No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council of the Borough of Tinton Falls or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Borough Council of the Borough of Tinton Falls, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of race, creed, color or national origin.

### **8.D Duration of the Plan**

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The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of thirty (30) years from the later of the date of approval of this plan by the Council of the Borough of Tinton Falls or FMERA's consent thereto.

## **8.E Deviation Requests**

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The Planning Board may grant variances allowing deviations from the bulk 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, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a variance from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses permitted under the Redevelopment Plan or any change requiring a “d” variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only with the consent of FMERA and by means of an amendment of the Redevelopment Plan by the Borough governing body (and, if FMERA so determines, a Reuse Plan amendment), and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Reuse Plan.

In addition, the Planning Board may grant waiver exceptions allowing deviations from the design standards set forth in Chapter 5, Design Standards as may be reasonable and within the general purpose and intent of the provisions for these building and design standards, if the literal enforcement of one or more provisions of these standards is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

## **8.F Affordable Housing**

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As of the date of adoption of this Redevelopment Plan payment by the developer of a non-residential development fee in respect of affordable housing is subject to a State-wide statutory moratorium, if at least preliminary site plan approval for the redevelopment is in place by July 1, 2013, and building permits for the project are obtained prior January 1, 2015. N.J.S.A. 40:55D-8.6(a)(1).



## **9 PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law, including but not limited to FMERA's consent pursuant to the Act. If the designated redeveloper requests such amendment that redeveloper shall pay a fee of \$2,500, as well as establish an escrow account to reimburse the Borough and FMERA for reasonable costs, fees and expenses to undertake such amendment. The Planning Board, in consultation with FMERA, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

## **10 REDEVELOPMENT AGREEMENT REQUIRED**

Redevelopment of Parcel E pursuant to this Redevelopment Plan shall require a redevelopment agreement by and among the Borough, FMERA, the New Jersey Economic Development Authority (if and to the extent required pursuant to the Act) and the designated redeveloper. Such redevelopment agreement shall be subject to and satisfy the requirements of the LRHL and the Act pertaining to such an agreement.

## 11 OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- The Borough of Tinton Falls will not undertake any relocation as part of this Redevelopment Plan.
- The Borough of Tinton Falls will not exercise eminent domain or acquire any properties as part of this Redevelopment Plan, except by way of public dedication of roadways or road rights-of-way if and as necessary or appropriate.
- As indicated in Chapter 4, this Redevelopment Plan is consistent with the *Fort Monmouth Reuse and Redevelopment Plan, Amendment #1* currently under consideration as amendment and supplement to the *Reuse Plan*, and the Master Plan for the Borough of Tinton Falls. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- No “d” variance from the requirements herein in accordance with N.J.S.A. 40:55D-70 shall be cognizable by the Zoning Board of Adjustment. Adoption of this Plan by the Borough Council shall be further considered an amendment to the Borough of Tinton Falls Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.