

The Route 23 Redevelopment Plan

Borough of Sussex, Sussex County, New Jersey

Adopted by the Sussex Borough Council on November 26, 2013



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OCTOBER 3, 2013

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

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1. INTRODUCTION AND EXISTING CONDITIONS

OVERVIEW, PURPOSE AND HISTORY

The Route 23 Redevelopment Plan is part of a long term effort intended to help achieve the goal of strengthening the economic base of Sussex Borough. That effort has involved studying several locations within the Borough, one of which is the location that is the subject of this plan – The area identified as **The Route 23 Rehabilitation Area**, consisting of 34 acres, in the southwest quadrant of the Borough. Most of these 34 acres are divided among 39 properties listed in Appendix A but a portion of this acreage is also located within the rights of way of the current alignments of Route 23, Brookside Ave and Walling Ave. The boundaries of this area are depicted on Exhibit 1 in Appendix B

The need to strengthen the economic base of the community grew out of various analyses and discussions by both the Borough Council and Planning Board, over a period of many years. Given the small size of the Borough (less than a square mile) and the lack of large tracts of vacant land, the opportunities to expand and strengthen the tax base and economic vitality of the Borough are limited. Consequently, the primary focus of the Borough’s economic development efforts have centered largely on the southwest quadrant of the Borough, which is more undeveloped and underutilized than most of the remainder of the community. This area subsequently became the subject of a rehabilitation area designation study by the Borough Planning Board during 2012 and 2013. In accordance with all of the statutory requirements pertaining to the designation of one or more properties as An Area In Need of Rehabilitation, The Borough Council, on April 16 of 2013, officially designated The Route 23 Rehabilitation Area as “An Area In Need of Rehabilitation”. The designation was based on the contents of the Planning Board report, the public hearing process associated with that report and the recommendation of the Planning Board to proceed with the designation. The next step in this process, now that the area in question has been designated as a rehabilitation area, is to prepare a redevelopment plan for the properties in question.

Although the area in question is a “rehabilitation area”, the statute governing designated rehabilitation and redevelopment areas (40A: 12A), specifically makes reference in the section related to rehabilitation areas (40A: 12A-15) that a municipality or redevelopment entity, “in accordance with a redevelopment plan adopted pursuant to 40A: 12A-7 may undertake the various activities necessary for the rejuvenation of a designated rehabilitation area”. Therefore, although the area in question is a rehabilitation area, the plan that will govern the future of this area is identified as a redevelopment plan, which must follow certain statutory requirements that will be described shortly in this document.

The primary factor that was the catalyst for this redevelopment plan is a project now underway, as of the date of this document, which had been in the planning stages for twenty five years or more. That project involves the relocation / reconstruction of Route 23, by NJDOT, as it traverses the southern part of the Borough, south of Routes 284 and 639. The plan is for existing Route 23, which now accommodates northbound and southbound traffic, to become Route 23 northbound only. In addition, existing Walling

Ave, which parallels existing Route 23 will become Route 23 southbound. Furthermore, at the point where Walling Ave currently ends at Brookside Ave, Route 23 southbound will continue past Brookside Ave in a straight line, south to the Sussex Borough / Wantage Township boundary and beyond. So, in effect, the properties located between the Route 23 northbound and southbound lanes will become a “center island” type environment. This will allow for some interesting redevelopment opportunities but will also add some negative impacts in terms of noise, glare and other activities associated with traffic that will be traversing the Borough at all times of the day and night For the remainder of this report, Route 23 northbound and southbound will be referenced as if they already are in place, rather than just under construction, with a projected completion date of late 2014.

The Route 23 Rehabilitation Area consists of four geographic parts or areas– herein designated as Areas A, B, C and D, which are depicted on Exhibit 2 in Appendix B. Area A (Block 105) is located on the west side of Route 23 southbound, south of Brookside Ave and Area B (Block 102) is located just to the north of Area A.. Area C (Block 103) is located opposite Area B and its southern boundary is also Brookside Ave. Finally, Area D (Blocks 105 and 106) is located to the south of Area C and opposite Area A

It was the decision of the Borough Council to proceed with a redevelopment plan for only the area on the west side of Route 23 southbound (Areas A and B) at this time. However, in order to place the redevelopment plan for that area in its proper context, it will first be necessary to present an overall concept plan for the entire designated rehabilitation area. Furthermore, after consultation with various municipal officials, it was decided that the redevelopment plan for Areas A and B should focus primarily on Area A, since there is a greater likelihood that portion of the rehabilitation area will be the focus of future development proposals sooner than Area B

Obviously there is a substantial relationship between Areas A, B, C, and D, even though they are separated by Route 23 southbound and Brookside Ave. However, that separation does allow each segment to be considered independently from the other. So, the plan for Area A can proceed independently, provided there is ultimately coordination in connection with the preparation of any subsequent plans for the other areas and the Plan for Area A. The Borough Council fully intends for that coordination to occur at the appropriate time

LEGAL REQUIREMENTS

All redevelopment plans must be tailored to fit the geographic area for which the plan is prepared and must take into consideration the planning policies and goals of the community. Furthermore, each redevelopment plan must deal with the realities that exist and with any special considerations affecting the properties involved. And each redevelopment plan must, by statute, address at a minimum, the following items:

- The relationship of the plan to local planning objectives
- Proposed land uses and building requirements in the project area
- A resident relocation strategy, if required
- The identification of any property proposed to be acquired

- The relationship of the plan to the plans and policies of other governmental entities
- Other technical and administrative details normally incorporated into a redevelopment plan, as prescribed by law

This plan will meet the above referenced requirements and will establish the initial framework for the future redevelopment of what is now known as The Route 23 Rehabilitation Area. This Redevelopment Plan consists of the text of this document, as well as several maps and other material in the attached appendices

As already noted, this is the second step in a process governed by the NJ Local Redevelopment and Housing Law – NJ 40:12A-1 et seq. All of the legal requirements associated with the first step of the process – the designation of this portion of the Borough as An Area In Need of Redevelopment – have been met. Furthermore, no challenges have occurred with respect to that designation and only a few comments were offered by the general public at a hearing conducted by the Planning Board. The third step in this process will be the actual rehabilitation / redevelopment activities envisioned by the adopted redevelopment plan. However, that third step is beyond the scope of this document. Suffice it to say, that all legal requirements associated with such activities will be met.

OVERALL AREA DESCRIPTION - PHYSICAL CHARACTERISTICS / ZONING ETC

This section of the redevelopment plan is extracted almost verbatim from the description and analysis contained in the Route 23 Rehabilitation Area Designation Study dated March 12, 2013. The area in question, as already noted, includes 39 properties stretching from the vicinity of Route 23, as it passes by Borough Hall and the Gulf Station to the north, all the way to the southern boundary of the Borough. This is a distance of approximately 2,000 linear feet – or just short of a half mile - and the total amount of land area consists of approximately 34 acres. The acreage calculation is not precise and is based on the aforementioned length of 2000' multiplied by an average width of 750'. The acreage figure includes the rights of way for Route 23 and Walling Ave, as well as Brookside Ave. These rights of way vary in width between 30' to 50'. So, without the aforementioned rights of way, the acreage calculation drops to approximately 31 acres.

Portions of the Route 23 Area, currently, are somewhat isolated and difficult to reach, whereas other portions are very visible and very accessible. Specifically, the portions of Block 102, 103, 105 and 106 that have frontage on Route 23 or the north end of Walling Ave are visible to the travelling public, and are included in this second category. The first category - those properties that are currently somewhat isolated from the rest of the Borough - depend on less travelled roadways for access. However, as already noted that situation will change soon with the major road improvement / realignment project being undertaken by the New Jersey Dept. of Transportation, involving Route 23.

The configurations of the lots in the Route 23 Rehabilitation Area, among other things, reflect the fact that this is a fragmented – and to a certain extent “broken” landscape that over the years has accommodated a variety of functions and activities and has experienced construction reconstruction and demolition at various times over many decades. The lots range from several parcels being relatively irregular in shape, to others

being uniform rectangular properties. Some are very large (multiple acres) and others very small (less than a fifth of an acre). There is little uniformity except for several of the lots in Blocks 103 and 105 that front on Route 23. This lot configuration pattern is partly attributable to this area being one of the oldest parts of the Borough.

A brief history of this area follows. Starting at the north end of the study area, at the intersection of Route 23 and Walling Ave, several interesting facts need to be mentioned. First, this intersection or “crossroads” is one of the oldest in Sussex County. In the 19th century and even earlier this intersection witnessed the movement of travelers, in horse drawn conveyances or on horseback, coming from the Paterson / Passaic County area, as well as New York City, as they travelled northward toward Port Jervis, NY. A rail line that also brought travelers from those areas located to the south and east of the Borough, beginning in the later part of the 19th century and well into the 20th century, terminated not far from this intersection. And when the automobile began to make its appearance on local roadways, one of the first automobile dealerships in the area chose to locate near this intersection at the beginning of the 20th century. That location is still home to an automobile dealership a hundred years later.

Further down Walling Ave, a lumber yard and hardware store served the surrounding population for decades, until it was destroyed by fire toward the end of the 20th century. Across Walling Ave from that lumberyard was a milk processing facility, that in the 1970’s was reinvented as a mixed use residential / office complex, known as The Creamery, in deference to its historic past and former role in the community. Several homes were also located in this area and for the most part still remain, except for one or two that were demolished in recent years. At the extreme south end of this area is an industrial complex that over the last several decades has been the home to several manufacturing / assembly type businesses.

In reverse order, travelling along Route 23 from the southern boundary of the study area north to the beginning point of the Route 23 / Walling Ave intersection, the west side of Route 23 is predominantly residential and has been for much of its history, once this area began to be developed in the 19th century. Some commercial uses are interspersed throughout this area and have existed side by side with the residential structures for many decades. Many but not all of these residences appear to be what is often described as “worker housing”, that is relatively small, plain structures that provided homes to lower and middle income residents. However, there are also several larger, ornate structures in this area, as well, (including several on the east side of Route 23, beyond the study area) that were obviously built by more prominent members of the community in the later part of the 19th century and the early 20th century.

Viewing the study area as a whole - all 34 acres of it - it is not being unkind to say that in the past, it played a somewhat different role than it does today. It was a more prominent and vibrant area than it is now, because of changing modes of transportation, a change in how business is conducted today and a change in preferences as to where and how people want to live. It is an area that still retains much of its history but it is also an area that hasn’t been able to evolve in a way that has allowed it to maintain its vibrancy and former prominence. Nevertheless, with some of its historic fabric still intact and its

excellent location – soon to be enhanced by the realignment of Route 23 - it is poised to take on a different, more important role than the one it has played in recent decades.

The topography within the Route 23 Area is relatively level but does contain some variation. Specifically, the properties that front on Route 23 are at a higher elevation (10’ to 15’ higher) than the properties to the west. This difference in elevation results in many of the structures that front on Route 23 having “walk out” basements. Also, the properties in the Walling Ave area and to the south, being at lower elevations than those located adjacent to Route 23 and being in close proximity to Clove Brook, are flood prone to a certain extent. Some of the properties are vacant, others accommodate recently upgraded structures and facilities (ie: the Franklin - Sussex Hyundai dealership) and still others show signs of some wear and tear, indicating that maintenance activities have not kept pace with the demands of structures that, in some cases, date back to the beginning of the 20th century and earlier. Again, there is no uniformity. This is not a homogenous area. It is a complex collection of properties, some of which are compatible with their neighbors and others of which are in stark contrast to what exists nearby.

The Route 23 Area is divided among four zoning districts - the C-1, C-2, LI & U and the R-2 Zones. Included in Appendix C is the Borough Zoning Map, which delineates the boundaries of the C-1, C-2, LI&U and R-2 zones. The C-1 and C-2 zones allow for a variety of commercial uses but differ in their goals and objectives – see Appendix D – the Sussex Borough land development regulations – regarding the list of permitted uses in these two zones.

In summary, the difference between the C-1 and C-2 zones is as follows: The C-1 Zone, which encompasses most of what is considered the Central Business District of the Borough, is a very “urban” type business district, which recognizes the compact, pre zoning land use pattern that exists along Main St and several adjoining areas. Only three lots at the north end of the study area are in the C-1 Zone. The C-2 Zone, in contrast to the C-1 Zone, is characterized as a “redevelopment area” and seeks to keep the intensity of use lower than what is allowed in the C-1 Zone by requiring large lots and more suburban type development. The C-2 Zone encompasses both sides of Walling Ave from Brookside Ave north to Route 23, as well as some lots along Route 23.

In terms of the dimensional requirements, the C-1 Zone does not have a set square footage requirement for the minimum lot size. Instead, it has a minimum lot size requirement based on the amount of off street parking needed. However, from a practical point of view, very few of the C-1 lots can accommodate any off street parking and most of the lots in the C-1 Zone are very small. The C-2 Zone uses a standard of 40,000 sq ft as its minimum lot size requirement. The remaining dimensional requirements of the two zones are as follows:

<u>Regulated Item</u>	<u>C-1</u>	<u>C-2</u>
• Min. Lot Width –	none	100’
• Min. Lot Depth –	none	200’
• Min. Front Yd Setback –	none	25’
• Min. Side Yd Setback –	none	15’
• Min. Rear Yd Setback –	20’	50’

- Max. Bldg Ht. – none none
- Min. Depth / Corner Lot - none none
- Max. Building Coverage – none 30%

The LI&U Zone and the R-2 Zone, in contrast to the C-1 and C-2 Zones, allow for industrial type uses and moderate density residential development, respectively. The goals and objectives related to these two zones follows. The purpose of the LI & U Zone has been to attract light industrial uses to a portion of the south end of the Borough. A minimum lot size of 80,000 sq ft is required, which is not large for any significant type of industrial use based on 21st century standards. The other dimensional requirements are proportionally related to that minimum lot size requirement and are generally slightly more than what the C-2 Zone requires. This zoning district is sparsely developed, primarily because for the last several decades the type of industrial development envisioned by the zone is no longer realistic in a setting such as this one.

The R-2 Zone includes most of the properties along Route 23 and permits both single family and two family structures. It is considered a moderate density residential zone and requires a minimum lot size of 15,000 sq ft or approximately 3 units per acre. The other dimensional standards are proportionally related to this lot size requirement. This zone also allows some non residential uses (ie schools, churches etc), as either permitted uses or conditional uses but few if any of those uses would be appropriate in this zone. Those uses are reflective of a time in the Borough’s past when a different planning philosophy prevailed.

As can be understood from the previous descriptions, this is not a homogenous area. The lots are irregular in shape and size. It is an area that also consists of the four distinct component parts, mentioned earlier, described in more detail as follows, and which determined how the redevelopment plan preparation process would be done in phases as discussed earlier. The first component – Area A - is the area from Brookside Ave south to the Borough boundary. It is a substantially underutilized area with only one significant structure present at the extreme south end. The next component – Area B - starting at the northern end of the designated rehabilitation area consists of what is now commonly identified as the Walling Ave area. It extends for a distance of approximately 900’ south to Brookside Ave. Portions of this area are substantially underutilized. However, within this area there are also an automobile dealership, an office / residential structure and a scattering of wood frame, two story residential structures. The remaining two components border existing Route 23. The first of these two components – Area C - consists of a mix of residential and commercial properties, extending from the Brookside Ave area north to the Route 23 / Route 284 intersection. The second of these components – Area D - consists of 12 residential properties, as well as industrial / commercial properties, extending for a distance of approximately 750’ from Brookside Ave to the Borough boundary. Of the 39 properties in the study area, nearly 50% are in the R-2 Zone and are used for residential purposes. There are also several other properties in the Route 23 Rehabilitation Area that are either being used residentially or are part of a mixed use structure, which are located in either the R-2 or C-2 Zones. In summary, this area can be described as a small but diverse area in decline but vital to the future of the Borough.

2. LOCAL PLANNING OBJECTIVES AND THE GOALS AND OBJECTIVES OF THIS REDEVELOPMENT PLAN

SUSSEX BOROUGH MASTER PLAN AND RELATED DOCUMENTS

Sussex Borough has periodically investigated planning issues for decades, updating its planning policies and objectives on an as needed basis. This redevelopment plan is part of that process and builds on what has preceded it, including but not limited to the 1978 and 2009 Borough Master Plans, as well as several master plan reexamination reports and a number of amendments to the Borough's land development regulations.

In most of the aforementioned documents, there are repeated references to the future of, either in whole or in part, of what has now been designated as the Route 23 Rehabilitation Area. In the past, some recommendations have been offered as to how the problems associated with this part of the Borough should be addressed. It should also be noted that the 2009 Master Plan Reexamination Report includes the specific recommendation to consider various land development strategies, such as the adoption of a redevelopment plan, in order to control, in a comprehensive fashion, the redevelopment activities in this area

Furthermore, the designation study for this area made a number of observations, which need to be repeated here and can be summarized as follows:

The Route 23 Rehabilitation Area includes a unique mix of uses and properties. These properties and uses include but are not limited to some remnants of a commercial period, in the Borough's past, which has largely disappeared along most other parts of the region's Route 23 corridor. Also included are relatively large tracts of land, by Borough standards, that are underdeveloped. The Route 23 Rehabilitation Area is also a gateway area to the Borough, which in many respects does not leave one with a completely favorable impression when first entering the community.

In addition, the following selected excerpts from the 2009 Master Plan are presented in support of the preceding statements that highlight the issues and municipal policies, which relate to the Route 23 Rehabilitation Area, in general.

First, it is worth repeating the Vision Statement contained in the 2009 Master Plan, which has a direct correlation to the future of this designated rehabilitation area. Underlined is a section that pertains directly to the rehabilitation area. That Vision Statement follows:

“ SUSSEX BOROUGH, IN THE YEAR 2030, WILL HAVE ESTABLISHED ITSELF AS THE CORE OF A REGIONAL CENTER, WHICH WILL ALSO INCLUDE PARTS OF WANTAGE TOWNSHIP AND WHICH WILL BE THE FOCAL POINT OF A LARGE PORTION OF THE NORTHEASTERN QUADRANT OF SUSSEX COUNTY.

THE BOROUGH WILL ATTRACT VISITORS FROM THROUGHOUT SUSSEX COUNTY AND OTHER AREAS AS WELL. THE RESIDENT POPULATION WILL HAVE INCREASED TO AS MANY AS 3,500 PEOPLE, WITH MANY OF THE NEW RESIDENTS CLUSTERED IN THE VICINITY OF THE CENTRAL BUSINESS DISTRICT.

THE ROUTE 23 REALIGNMENT WILL HAVE BEEN THE CATALYST FOR THE REDEVELOPMENT AND REVITALIZATION OF THE SOUTHERN END OF THE BOROUGH. THE VIBRANT “MIXED USE” ENVIRONMENT CREATED IN THIS AREA WILL BE CONNECTED TO THE CENTRAL BUSINESS

DISTRICT VIA AN EXTENSIVE PEDESTRIAN AND BICYCLE NETWORK. THE BOROUGH AS A RESULT WILL HAVE BECOME A MORE DIVERSE, DYNAMIC AND INTERESTING COMMUNITY

THE CENTRAL BUSINESS DISTRICT AND THE AREAS IMMEDIATELY ADJACENT TO IT, BY 2030, WILL HAVE BEEN STRENGTHENED BY NEW BUSINESSES, MORE PARKING AND THE INTRODUCTION OF UPSCALE HOUSING. NEW RESIDENTS AND COMMERCIAL USES WILL INCREASE THE LEVEL OF ACTIVITY IN THIS PART OF THE BOROUGH, TAKING ADVANTAGE OF THE COMPACT, WALKABLE ENVIRONMENT THAT, BY 2030, WILL BE ENHANCED AND EXPANDED. THE NEW COMMERCIAL USES WILL SERVE THE RESIDENTS IN THE IMMEDIATE AREA BUT WILL ALSO INCLUDE NICHE AND REGIONAL, SPECIALITY USES THAT WILL DRAW CUSTOMERS FROM OTHER AREAS AS WELL. THE HISTORICAL CHARACTER AND RESOURCES OF THIS AREA WILL BE ENHANCED AND ANY NEW DEVELOPMENT WILL RESPECT THE HISTORIC CHARACTERISTICS AND VICTORIAN ARCHITECTURE OF THE COMMUNITY.

THE SINGLE FAMILY RESIDENTIAL AREAS WILL HAVE BEEN PROTECTED FROM ANY INAPPROPRIATE INTRUSIONS, MAKING THEM THE PREMIER RESIDENTIAL AREAS WITHIN THE BOROUGH. THE BOROUGH'S REMAINING ENVIRONMENTALLY SENSITIVE LANDS AND NATURAL RESOURCES WILL BE PROTECTED AND PRESERVED FOR FUTURE GENERATIONS, THEREBY ACHIEVING THE ECOLOGICAL BALANCE AND SUSTAINABILITY NECESSARY TO MAINTAIN A HIGH QUALITY OF LIFE FOR BOROUGH RESIDENTS. THE FULL RECREATIONAL AND AESTHETIC POTENTIAL OF CLOVE LAKE AND CLOVE BROOK WILL HAVE BEEN REALIZED AND WILL BE THE FOCAL POINT FOR SOME NEW COMMERCIAL AND RESIDENTIAL USES

HOWEVER, AT TIMES, IN ORDER TO ESTABLISH THE NECESSARY "CRITICAL MASS" DEMANDED BY A "CENTER", SOME ENVIRONMENTAL RESOURCES WERE COMPROMISED IN FAVOR OF APPROPRIATE CENTER BASED DEVELOPMENT.

IN SUMMARY, SUSSEX BOROUGH, IN THE YEAR 2030, WILL HAVE BECOME A COMMUNITY THAT ILLUSTRATES WHAT IS MEANT BY THE TERM "SMART GROWTH" AND WILL SERVE AS THE MODEL FOR OTHER "CENTERS" IN THE RURAL PARTS OF NEW JERSEY. "

Next, there are specific comments in the 2009 Master Plan that pertain to the designated rehabilitation area as follows:

- Page 52 – “These two areas are located in the vicinity of the proposed relocation of Route 23 Southbound. The future development / redevelopment of these areas can either be controlled via one set of regulations or, alternatively, two sets of controls can be established – one for the area north of Brookside Ave and another set for the area south of it.”.
- Page 52 -a substantial portion of this acreage is vacant or underutilized and the relocation of Route 23 will make it accessible in a way that it has not been in the past, thereby enhancing its development potential. Several existing structures in this area are nearing the end of their useful life and are candidates for redevelopment.
- Page 58 - The continuing efforts to upgrade the Borough’s business areas, in particular the CBD and the area in the vicinity of Walling Ave, are vital to the well being of the community as a whole.

GOALS AND OBJECTIVES

Given the aforementioned statements, as well as other applicable considerations, the following goals and objectives for the Route 23 Rehabilitation Area have been identified as both necessary and realistic:

Redevelopment Goals

The redevelopment goals that the Borough wishes to achieve in this rehabilitation area are as follows:

- 1 To eliminate those conditions that caused these properties to be designated an “area in need of rehabilitation.”. Specifically, the goal is to upgrade and / or remove structures and infrastructure that are either substandard, functionally obsolete, or exert an adverse influence on the area.
- 2 To encourage new commercial and office uses along portions of the realigned / reconstructed Route 23
- 3 To also strengthen existing commercial uses and to encourage a mix of uses that provide employment, retail opportunities, services and entertainment, as well as residential options
- 4 To encourage the re-use of vacant properties and underutilized buildings

Redevelopment Objectives

Activities and projects to be undertaken in this rehabilitation area will be undertaken in conformity with and will be designed to meet the goals of the redevelopment plan. The specific objectives related to each goal will be tailored to each of the four geographic parts of the rehabilitation area as required. Specific objectives related to Area A are presented later in this document:

In summary, the Borough’s focus on the Route 23 Rehabilitation Area has been comprehensive, as can be seen from the aforementioned statements contained in the 2009 Master Plan. Now, the next step of facilitating the redevelopment / rehabilitation of the properties in this area will be the job of this redevelopment plan

3. THE OVERALL CONCEPTUAL PLAN

OVERVIEW

This section of the plan is intended to provide the general framework and strategy for the development and redevelopment of the entire rehabilitation area. As already noted, although this rehabilitation area consists of only 34 acres it is a very diverse and complex landscape. For the purposes of this plan, as already noted, the 34 acres have been divided into four components, which are identified as Areas A, B, C and D.

This section will also offer a more in depth look at the future of just the area to the west of Route 23 southbound (Areas A and B) and the following section (Section 4) will focus on a very specific vision and a detailed set of land development requirements for the area to the west of Route 23 southbound and south of Brookside Ave (Area A).

It is the intent of the Borough to return at some point to the areas east of Route 23 southbound (Areas C and D), as well as the area west of Route 23 southbound and north of Brookside Ave (Area B), in order to expand on the framework for those areas, as established in the overall conceptual plan herein. .

CONCEPTUAL PLAN DESCRIPTION

The overall concept for the entire rehabilitation area is to further strengthen this part of the Borough as a mixed use environment, consisting of a variety of commercial and residential uses. At the same time, however, care must be taken not to adversely affect the commercial core of the Borough, along and adjacent to Main St. Consequently, the types of commercial uses allowed in this area, in particular, must not create unneeded and detrimental competition for those existing businesses now located in the Main St area. Ideally, the businesses located in the rehabilitation area should be of such a nature that they will draw clientele into the area who would otherwise not visit Sussex Borough. An example of such a business that currently exists in the rehabilitation area is the car dealership, which attracts customers from throughout the region. Finally, although some industrial uses have existed in this area for many years, it is the intent of this redevelopment plan to curtail the use of this area for industrial purposes.

THE RESIDENTIAL COMPONENT

In terms of a residential component in this rehabilitation area, there are already a number of existing residential units ranging from single family to multi family structures. They are all, for the most part, two to three story structures and the large majority of them are of pre World War II vintage, with many of them actually dating to the early part of the 20th century. The conditions of these structures vary, with some being in excellent condition, while others are in need of some rehabilitation. It is the intent of this redevelopment plan to encourage the rehabilitation of any structure that needs to be upgraded but in an appropriate way, which will not compromise the historic or architectural integrity of the structure.

It is estimated that these residential structures currently accommodate a population of 75 to 100 residents. Many of the units are owner occupied but at least half are rentals. There is an opportunity to increase the residential population in this area via new development.

A target population number is difficult to determine at this point but a reasonable range would be 100 to 300 additional residents, or possibly more, if new structures of more than three stories were to be permitted.

Areas C and D are where most of the residential population currently resides. As one enters Sussex Borough now from the south, there are two dozen or more traditional residential structures, which occupy both sides of Route 23 – some obviously built for wealthy residents of a bygone era. These structures help to create a visual image of the Borough, which recalls its historic past. The general consensus is that this image should not be cast aside. However, the question that arises is can new development be incorporated into this area, without corrupting that image. The answer is a qualified yes but it must be done carefully. It may be possible to construct additions to many of the existing structures without compromising the image that currently exists. It may also be possible to replace some existing structures, which are not necessarily contributing in a positive manner to the image of this area now, with new structures that are well designed and consistent with the design vocabulary of this area. However, this can only happen with certainty, if future phases of this redevelopment plan include detailed design requirements for new construction, as well as for additions to existing structures. Additional residential development may also be possible on the west side of Route 23 southbound but this will require a more in depth analysis, as part of the future phases of this redevelopment plan. The following graphic depictions show some architectural styles for residential uses that may be appropriate within the rehabilitation area.



With respect to architectural styles, it should be noted that many structures in the Borough can be described as having a Victorian type design, although many of these structures have been inappropriately altered. It is difficult, to duplicate Victorian designs

with new construction and many such efforts do not produce good results. So, any new construction or the renovation of existing structures should respect the Victorian heritage of the Borough, wherever and whenever possible but it should be done in such way that is not false and which, most importantly, results in quality design and construction.

THE COMMERCIAL COMPONENT

Areas C and D also contain commercial uses and there is an opportunity, subject to further study to incorporate more commercial floor space into this area, particularly at the north end of Area C and where Areas C and D adjoin each other. Again, as mentioned earlier, this new commercial floor space should not present unnecessary and unwanted competition to the businesses on Main St ; it should complement what is on Main St. So, as an example, Main St and its environs currently have a number of successful restaurants. Allowing new restaurants then in Areas C and D may not be advisable. However, arriving at such a decision will require more research, discussion and input from the merchants in the Borough. In addition, the architectural design of any new construction and / or additions will need to respect the historic character of the Borough. The following graphic depictions show some architectural concepts and styles that may be appropriate within the rehabilitation area for both commercial and mixed use – residential / commercial - structures



Finally, it must be noted that both Areas C and D will have frontage on both the southbound, as well as the northbound segments of Routes 23. Consequently, there will be a direct relationship of portions of Areas C and D to whatever happens on the west side of Route 23 southbound, in Areas A and B. In fact, there is a small portion of Area D

(Block 105 Lot 1.03 and Block 106 Lot 1.02) that will be included in the specific details presented for Area A in Section 4 of this document. This is necessary because of ownership issues and the necessity of connecting the future development of this property to the requirements associated with the redevelopment / rehabilitation of Area A

THE INFRASTRUCTURE COMPONENT

The infrastructure within this designated rehabilitation area is in generally poor condition, as documented in the designation study. In fact, to a large extent the legal basis for the designation of this area rests on the problems associated with the area infrastructure, including the lack of infrastructure in certain instances. The NJDOT Route 23 realignment / reconstruction project will partly improve the infrastructure in this area and the plan for that project is adopted as part of this redevelopment plan. But there are other infrastructure issues separate and apart from the NJDOT Route 23 project that will have to be addressed by the Borough, private property owners or a combination of the two. This redevelopment plan then seeks to correct the problems associated with the infrastructure problems that have been identified. The specific details of an infrastructure master plan will be deferred to future phases of this redevelopment plan. However, the basic outline of that plan is presented in the following paragraphs.

Any redevelopment activity in this area, any new construction will have to address various drainage problems that exist. Likewise, any new development will also have to extend and / or upgrade sanitary sewer lines and water lines in order for those services to be made available. Other utilities will also need to be extended or re-routed in connection new development. The possibility of the underground installation of overhead power lines should also be considered, as part of any redevelopment activity in this area.

In terms of the pedestrian network in the area, there are sidewalks along the eastern edge of Areas C and D. However, the remainder of the area is essentially devoid of any walkways for pedestrians. A comprehensive sidewalk network is needed in the area. Some of those sidewalks will be constructed in conjunction with the NJDOT Route 23 project but not all.

Brookside Ave will be partly rebuilt in conjunction with the NJDOT Route 23 project but a large segment of Brookside is located outside of the designated rehabilitation area. Consequently, further study is needed to determine the extent to which the entire length of Brookside Ave needs to be rebuilt. Furthermore, the possibility of extending Brookside Ave across Clove Brook and connecting it with Route 639 should also be explored. Obviously, the environmental constraints and costs associated with such an extension will be difficult but may not be insurmountable and the benefits of doing so would be significant.

THE ENVIRONMENTAL / RECREATIONAL COMPONENT

This rehabilitation area also has some environmental constraints associated with it, specifically flood hazard and wetlands issues associated with Clove Brook that borders part of the rehabilitation area to the west. Obviously any development / redevelopment activities, particularly in Area B, will need to address those constraints. At the same time Clove Brook presents an opportunity for this natural feature to be more of a focal point

than it is now. Future phases of this redevelopment plan should explore how to provide public access to Clove Brook and how to enhance the visual image of that waterway, so that it becomes a feature that will attract visitors to it. In addition, there may be an opportunity to provide some recreational opportunities in the vicinity of Clove Brook and connect this area via a pedestrian / bike trail network to other parts of the Borough.

Any new construction and / or any major rehabilitation projects should also consider the need to be as environmentally friendly as possible. The design of all buildings should be done with the intent of making them as energy efficient as possible with the use of solar panels and other renewable energy sources, where feasible and practical. In addition, water conservation measures should be employed in the design of any building and all projects shall comply with storm runoff requirements of the Borough and the State of New Jersey

THE WEST SIDE STRATEGY – AREAS A and B

The west side of Route 23 southbound (Areas A and B) is a mixed use area but in a much different configuration than the mixed use pattern found in Areas C and D. There is also a substantial amount of vacant and underutilized land in this area. The new Route 23 southbound will be a game changer for this area. It will no longer be isolated but will instead have frontage on a state highway; albeit a one lane road providing access in only one direction. Nevertheless, this redevelopment plan seeks to take full advantage of this new access and to increase the intensity of development that now exists within this area.

The detailed plans for Area B will be deferred to a future phase of this plan. However, there are some conceptual ideas that can be presented at this time for this portion of the rehabilitation area. As previously mentioned a successful car dealership exists at the north end of Area B. Its continued success is important not only to the owners of the dealership but to the Borough as well. Consequently, the plan for this area should take into consideration any expansion needs of this dealership and how they can be accommodated. This area also includes a mixed use structure known as the Creamery. When this complex was conceived and developed in the 1960's and 70's it was viewed as an innovative project that might spark the rejuvenation in this part of the Borough. That rejuvenation did not occur. In fact, the opposite has happened and the Creamery is no longer viewed as having been the innovative land use project that it once was. Unfortunately, it has become mostly a residential building and has ceased to be attractive as a high end residential location, which was the original intent. So, the future of the Creamery is problematic. It's possible that the access to Route 23 southbound may spark a reconfiguration of the current uses within this structure and a different marketing strategy by the owners. Alternatively, the removal and / or complete redevelopment of this structure and this nearly five acre site may be the best route to follow. A future phase of this redevelopment plan will need to look at this issue in depth, as well as what the best use will be for the three lots which adjoin the Creamery, to the east, and which are substantially underutilized at the present time.

The last component of this rehabilitation area – Area A – is the subject of the provisions presented in Section 4 of this document under the title “West Side Plan Details – Phase 1 – Area A.

SUMMARY

In summary, the conceptual framework established by this redevelopment plan is for this rehabilitation area to continue as a mixed use area, adding new development where appropriate, adding to existing structures where possible, replacing and rehabilitating infrastructure as needed and generally enhancing the image of this area, so that it becomes one of the focal points of the Borough. However, this phase of the redevelopment plan focuses in detail only on the portion of the rehabilitation area west of Route 23 southbound and south of Brookside Ave (Area A). Consequently, the existing zoning / land development regulations currently in effect for Areas B, C and D will remain in effect until subsequent phases of this redevelopment plan are completed. This redevelopment plan will only supersede the existing zoning / land development regulations for Area A, as presented herein, and as this plan also pertains to Block 105 Lot 1.03 and Block 106 Lot 1.02 in Area D with respect to the off site parking associated with the redevelopment activity occurring in Area A.

One last note, involves the possible expansion of this designated redevelopment area, which should be a topic of discussion at some future date. Specifically, on Exhibit 1 two areas adjacent to the Route 23 Rehabilitation Area - one to the east and one to the west – might benefit from being added to this rehabilitation area at some point. The area to the west, which is opposite Area A, includes the Borough's DPW garage, a private commercial establishment and land owned by JCP&L. There are environmental constraints associated with this area but it is an area worth considering as an addition to the existing designated rehabilitation area.

The second area to the east of existing Route 23, opposite Brookside Ave and Areas C and D, consists of a former lumber yard and several residential properties. It is an area that includes some deteriorated properties and may benefit from any revitalization that occurs within Areas C and D. Whether or not this area should be added to the rehabilitation area at some point will require further discussion and debate.

Obviously the focus now needs to be on Areas A,B,C and D and the addition of any more acreage to the rehabilitation should await significant progress in Area A initially and in the other areas at a later date

4 THE WEST SIDE PLAN DETAILS – PHASE 1 – AREA A

INTRODUCTION / OVERVIEW

Phase 1 of this redevelopment plan is limited to Area A only. As already noted, Area A is the most underutilized portion of the rehabilitation area, partly due to the existing inadequate vehicular access to this location. However, with Route 23 southbound passing directly to the east of this area, access will be greatly improved. Consequently, the nearly 10 acres of property in this area has the potential to accommodate new development that can potentially be the catalyst for the rejuvenation of the entire designated rehabilitation area and beyond. Specifically, this area is envisioned as being the location for a large scale retail commercial complex of one or more buildings. Finally, this portion of the redevelopment plan references and adopts the applicable portions of the redevelopment goals outlined in Section 2 of this document. The specific redevelopment objectives for this area are contained in this section.

This portion of the rehabilitation area is also unique with respect to its connection to Wantage Township. Currently, there is a building at this location, which is partly within the Borough and partly within the Township. The owner of the building also is the owner of most of the land area in Area A, as well as several acres in adjoining Wantage Township. As a result, this redevelopment plan, of necessity, will rely on the use of some of the acreage within Wantage Township, in order to fully realize the development potential of Area A. Informal discussions have already been held with Wantage officials about the cooperation that will be required between the two municipalities and it is anticipated that such cooperation will not be a problem. More will be discussed about this issue later in this document.

The aforementioned building that is currently located partly in Area A will be demolished in accordance with this plan. The building is obsolete and has reached the end of its useful life. The primary objective of this plan related to Area A is to construct within Block 104 Lot 1.01 a new retail / commercial complex that will take full advantage of the direct Route 23 southbound access. It is anticipated that up to 100,000 sq ft of commercial space can be located on this site, with an important caveat. That caveat relates to parking. In order to accommodate the required parking for that much floor area, some of the parking spaces will have to be located off site. Specifically, some of it will have to be located in adjoining Wantage Township on Block 18 Lot 43. The remainder of the off site parking will be located on the east side of Route 23 southbound, in Area D, specifically on acreage that is now part of Block 105 Lot 1.03 and Block 106 Lot 1.02. More will be discussed and presented regarding the parking issue later in this document

DESIGN PHILOSOPHY AND OBJECTIVES

Given the fact that this location will be very visible to the travelling public and will be accessed by hundreds, if not thousands of people on a weekly basis, it is important that the redevelopment of this site adhere to the best site design and building design principles. The new construction at this location may take a variety of forms, in terms of building shape, height, setback from the road and adjoining properties but most importantly it shall be attractively designed, so that it is an aesthetic focal point for the community. This will require the use of quality materials, a creative façade treatment, an

interesting palette of colors and other design features, which potentially can make this an award winning project. Although, the amount of floor space to be allowed at this location could result in the construction of a large scale retail type facility, that doesn't mean the building has to be uninteresting or poorly designed. And specifically it is the intent of this plan that the view of it from Route 23 southbound shall set it apart from some of the more unimaginative and mundane commercial structures in the area. This plan does not include a detailed design vocabulary to be followed but the following graphic depictions of several large, well designed retail facilities shall be used as a guide in the design of any structure at this location.



The pictures that have been presented herein are intended to clearly demonstrate that the facades of large retail facilities can be very attractive through the use of innovative design features (ie indentations, dormers, overhangs, cornices etc), as well as by the use of signage that is not overpowering and is properly sized. It is not the intent of this plan to micromanage the design of any buildings at this location but it is the intent of this plan to require something other than a blank, uninteresting and unimaginative façade design,

especially in connection with those facades that will be clearly visible to the travelling public and the visitors to the site.

The same thought that will be given to the design of any structure, shall also be given to the site design, in particular the landscaping, but also to the layout of the parking areas and any other site improvements that are proposed (ie lighting, site furniture, signage etc). Obviously, the site design and the building design need to be comprehensive, so that the overall design of the project is well coordinated and fits together, rather than being disjointed and fragmented. In short, 21st century design principles shall be the guide for the redevelopment of this site, tempered by the context within which the site is located – a community that has its roots in the 19th and early 20th centuries.

THE PLAN DETAILS – AN OVERVIEW AND GENERAL COMMENTS

The specific requirements for the redevelopment of Area A are included on the following pages, grouped together in several categories – Permitted Uses ; Bulk Requirements ; Parking and Loading Standards ; Signage Provisions and Miscellaneous Stipulations. These regulations supersede and replace the current regulations for Area A, which are located under the requirements for the Light Industrial and Utility District in Chapter XIX of the Sussex Borough Revised General Ordinances. Any development or redevelopment of this part of the designated rehabilitation area must still meet the requirements of the other Land Use Chapters of the Borough, unless otherwise superseded by this plan or through the specific exemptions contained in a written agreement between the developer and the Borough. In addition, any terms used in this plan shall adhere to the definitions contained in the Borough's Land Use Chapters or where such a definition doesn't exist, then the common usage of that term shall apply.

As previously noted, a portion of this redevelopment proposal is located within the limits of Area D but will provide off site parking for any project, which will be located on the west side of Route 23 southbound. However, in a subsequent phase of this redevelopment plan, this area in question, on the east side of Route 23 southbound, may become important with respect to the redevelopment / rehabilitation of one or more properties located in Area D. The details of how that will occur will be left to that future phase of the plan, as will the decision of whether or not this area in question is still needed in connection with the parking demands associated with whatever commercial use exists on the west side of Route 23 southbound at that time.

Finally, Area A also includes a nearly two acre parcel (Block 104 Lot 1) located at the north end near Brookside Ave, which is owned by the State of New Jersey and which will accommodate a stormwater detention basin needed in connection with the Route 23 reconstruction / realignment project. There was much discussion about this basin during the design phase of the Route 23 project. Concerns were raised that a valuable, strategically located property, with much potential for commercial development was going to become a non productive property from the Borough's perspective. However NJDOT overruled the Borough's concerns and has designated this parcel for use as a detention basin. Consequently, this plan must acknowledge the role of Block 104 Lot 1 and accepts the fact that in terms of land use, the function that NJDOT has decided this property will serve. However, at some future point it may be possible to make this lot

available for commercial purposes, if the stormwater function it will serve can be accommodated in some other way, such as via underground detention. If that eventuality occurs, it will be necessary to revisit this phase of the redevelopment plan in order to determine what development regulations should apply to this site.

PERMITTED PRINCIPAL, ACCESSORY AND CONDITIONAL USES

The following uses shall be allowed as principal uses in Area A - supermarkets, regional shopping and service centers, restaurants (both sit-down and fast food with drive-thru), general business and professional offices, and retail sales and service establishments, as defined by Section 19-9.1b of the Sussex Zoning ordinance.

The following uses shall be allowed as accessory uses in Area A – parking for customers and employees, stormwater basins, flagpoles, fencing and other decorative site furniture. Sidewalk and outdoor sales (including tent sales) and promotional areas are also permitted, provided they are associated with the operation of a supermarket or retail building containing over 50,000 square feet and further that such sales and promotional areas are designated on the approved site plan. Outdoor sales area shall be limited to fifteen (15%) percent of the square footage of the parking area.

The following uses shall be allowed as conditional uses in Area A - wireless telecommunications facilities and equipment: shall be allowed in accordance with 19-16.7 of the Sussex Borough Revised General Ordinances

BULK REQUIREMENTS

The following bulk requirements shall apply in Area A:

- Minimum Lot Area: 40,000 square feet
- Minimum Lot Width and Depth: 200’ each
- Minimum Front Yard Building Setback: 30 feet
- Minimum Side Yard Setback: 10 feet
- Minimum Rear Yard Setback: 15 feet
- Maximum Lot/Building Coverage: 35 %
- Maximum Impervious Coverage: 85 %
- Maximum Building Height: 50 feet

Note # 1: It is recognized that the development / redevelopment of Area A will also involve acreage located in Wantage Township and that a substantial portion of that acreage must be left as open space because of wetlands restrictions. As a result, the building coverage and impervious coverage requirements have been structured accordingly to reflect that fact.

Note # 2: Storm water basins shall be permitted in front, side and rear yard setback areas.

Note # 3: Lots which are part of the development parcel, but which are situated in Wantage Township will be included in the Sussex Borough development parcel lots for the purposes of determining compliance with parking standards but not with the bulk requirements.

Note # 4: Buffer strips are required adjoining residential zones or properties and shall consist of a 10 foot wide planted area. This requirement specifically applies to the portion of Area D that will provide off site parking for any development in Area A

PARKING AND LOADING STANDARDS

The following parking and loading requirements apply in Area A:

- Parking Required – Four parking spaces per 1,000 square feet of net building area for all permitted uses. Net building area is gross building area, excluding all areas not accessible by retail customers. At least fifty percent of the required parking must occur within the Borough of Sussex Any spaces that are split between Sussex Borough and Wantage Township shall be counted as Sussex Borough spaces, if 50% or more of the space is in Sussex Borough
- Parking Space Requirements
 - 1) All commercial parking areas shall be paved.
 - 2) Minimum Parking Space Size of 9 feet by 18.
 - 3) All parking aisles shall be a minimum 24 feet in width.
 - 4) Standard parking lot striping shall be permitted (not hairpin striping).
 - 5) Off-street parking intended to serve a building/use shall be permitted on a separate off site lot provided that the parking is within 1,000 feet of the building's entrance.
 - 6) Minimum Parking Setback from property lines: 5 feet
 - 7) Parking Lot Landscaping: The parking lot shall be attractively landscaped with a mixture of shade trees and shrubs
- Loading Requirements: for structures over 50,000 square feet which receive regular deliveries from tractor trailers, the minimum loading requirement is one loading space for every 15,000 square feet of building area. A minimum number of loading spaces shall not be required for structures less than 5,000 square feet and loading shall be provided on an as-needed basis based on the use proposed in such structures.

SIGNAGE PROVISIONS

The following signage provisions apply in Area A:

- Pylon Sign – One pylon sign shall be permitted within the redevelopment plan area, which shall be in conformance with the following requirements:
 - 1) Maximum height: 30 feet.
 - 2) Minimum setback from front property line: 15’
 - 3) Maximum sign area: 120 square feet for the principal use in the redevelopment plan area. For signs with two identical faces, only one face shall be included in the sign area calculation.
 - 4) For shopping centers or commercial developments that contain multiple buildings or occupants/tenants: in addition to signage for the principal use each building occupant/tenant shall be permitted a sign of a maximum 30 square feet mounted to the pylon sign.
- Wall Mounted Signage – Wall signage shall be permitted on up to two sides of all permitted uses. The maximum total sign area on the primary building facade shall be twenty (20%) percent of the area of subject façade. The maximum total sign area on the secondary building facade shall be ten (10%) percent of the area of the subject façade. There shall not be a limit of wall sign projection from the building wall.
- Window Signage – Window signage shall not exceed fifty (25%) percent of the aggregate area of all windows on the primary, front facade. Window signage shall not be included in the calculation of the maximum sign area on a building facade.
- Temporary Signage – Temporary banner signage shall be permitted to advertise major events such as grand openings, holiday sales, sidewalk, outdoor and tent sales, promotional events and events similar to the foregoing. Such temporary signage shall not be illuminated or obstruct traffic visibility.
- Illumination: Signage may be illuminated, except that illuminated signs which flash or move are not permitted.

MISCELLANEOUS STIPULATIONS

- 1) All lots in the Phase 1 redevelopment plan area, which comprise the redevelopment project, may be included in a single site plan application, regardless of the fact that the lots may be separated by either Route 23 and / or what is currently known as Wiebel Plaza.

- 2) All sidewalks where required shall be 5 feet in width. It is the intent of this redevelopment plan to establish a sidewalk network within Area A that will allow for safe pedestrian movements within any project site, as well as within any public right of way.
- 3) Chapter XXV (Stormwater Management Regulations) of the Sussex Borough Revised General Ordinances shall not be applicable to any redevelopment project in Area A but shall be developed in accordance with the requirements of the Planning Board Engineer in accordance with best management practices related to stormwater runoff.

5. CONSISTENCY REVIEW

As required by the NJ Redevelopment and Housing Law, this section describes the consistency between the Route 23 Area Redevelopment Plan and various planning documents including the Sussex Borough Master Plan, as well as the master plans of contiguous municipalities, the Sussex County Master Plan and the New Jersey State Strategic Plan.

As already discussed in Section 2 of this document, Sussex Borough officials have spent many hours considering the future of the area in question. And those deliberations are reflected in the contents of the 2009 Borough Master Plan. Based on a review of those documents and the proposals contained in this plan, there is no question that this plan is consistent with the policies and objectives adopted by the Borough for this part of the community

In terms of this plan's consistency with other planning documents, the only municipality that is contiguous to Sussex is Wantage Township. Consequently, only the land use plan for that part of Wantage near the subject area need be considered. The area immediately to the south of this rehabilitation area in Wantage Township is designated for commercial use and the goals of this redevelopment plan are therefore consistent with the goals of Wantage Township

This plan is also generally consistent with the remaining applicable planning documents – The Sussex County Master Plan and the NJ state Strategic Plan. With respect to the Sussex County Master Plan, that document recognizes the importance of increasing and strengthening the economic base of the communities with Sussex County but not at the expense of decimating the natural features that make Sussex County's natural environment second to none. This plan seeks to achieve that delicate balance of providing for more economic development in appropriate locations, while at the same time setting aside areas as permanent open space in the vicinity of Clove Brook

The NJ State Strategic Plan, as of the date of this plan, has not yet been adopted but is expected to be soon. That plan is intended to replace the State Development and Redevelopment Plan that was much more complex and attempted more of a "micro management" approach than is true of the new State Strategic Plan. Just as this plan is consistent with the Sussex County Master Plan, it is also consistent with the goals and objectives of this new approach by the State of New Jersey to guide development and redevelopment

6. ADMINISTRATIVE AND RELATED COMPONENTS OF THE PLAN

In accordance with the provisions of the New Jersey Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 through N.J.S.A. 40A:12A-49, this redevelopment plan must adhere to certain procedural, legal and administrative requirements as described below:

Duration of Redevelopment Plan Restrictions

The Redevelopment Plan and any modifications thereof shall be in force and effect for a period of twenty years from the date that the Borough Council first approves the Redevelopment Plan. The termination of this Redevelopment Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, sex, religion, color, age, national origin or ancestry.

Amendments to the Approved Redevelopment Plan

This Redevelopment Plan may be amended from time to time in accordance with the provisions of the LRHL as same may be, from time to time, amended and supplemented.

Resident Relocation

It is not anticipated, at this time, that the Borough will be required to be actively involved in the relocation of any current residents of the redevelopment area.

Property to Be Acquired

The Plan does not anticipate the acquisition of any properties at this time. The intent is for all properties to be acquired and developed / redeveloped through private initiative and without any local government involvement

Redevelopment Agreements:

The following restrictions and controls on redevelopment are statutorily imposed by the Local Redevelopment and Housing Law, in connection with the selection of a redeveloper or redevelopers and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force. The restrictions and restraints shall be implemented by appropriate covenants or other provisions in redeveloper agreements and/or disposition instruments.

- The redeveloper(s) will be obligated to carry out the specified improvements in accordance with the Route 23 Redevelopment Plan.
- The redeveloper(s), its successors or assigns shall devote land within the redevelopment area to the uses specified in this redevelopment plan.
- The redeveloper(s) shall begin the development of said land for the use(s) required in this redevelopment plan within a

period of time consistent with the project timetable set forth in the redevelopment agreement.

- No covenant, agreement, lease, conveyance, or other instrument shall be effected or executed by the redeveloper(s), the Borough Council, or the successors, lessees, or assigns of either of them, by which land in the redevelopment area is restricted as to sale, lease, or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.
- Neither the redeveloper(s) nor the Borough Council, nor the successors, lessees, or assigns shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part therein. All agreements, leases, deeds and other instruments from or between the Borough Council or its redevelopment entity and to or with a redeveloper shall contain a covenant running with the land requiring that the owner shall construct only the uses established in the current redevelopment plan; a provision requiring the redeveloper to begin the building of improvements for those uses within a period of time which the Borough Council or the redevelopment entity fixes as reasonable.

This concludes the Redevelopment Plan for The Route 23 Rehabilitation Area, which includes a general framework for the entire designated rehabilitation area, as well as a specific and detailed set of regulations for Area A

...

APPENDIX A

PROPERTY LIST

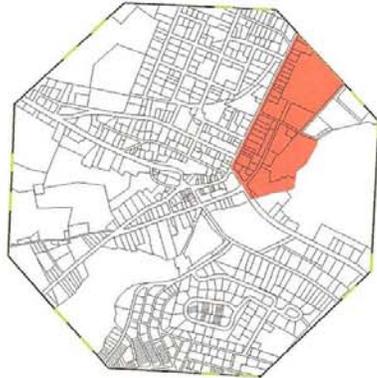
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102	2	2 WALLING AVE	C-2
102	4	WALLING AVE, WEST OF	C-2
102	8	22-24 WALLING AVE	C-2
102	9	20 BROOKSIDE AVE	C-2
102	10	20 WALLING AVE	C-2
103	1	17 WALLING AVE	C-2
103	1.01	10-12 BROOKSIDE AVE	C-2
103	2	11-13 WALLING AVE	C-2
103	3	9 WALLING AVE	C-2
103	4	5 WALLING AVE	C-2
103	5	1 MAIN ST & MILL ST	C-1
103	7	2-4 HAMBURG AVE	C-1
103	8	10 HAMBURG AVE	R-2
103	9	12 HAMBURG AVE	R-2
103	9.01	16 HAMBURG AVE	R-2
103	10	20 HAMBURG AVE	R-2
103	11	24 HAMBURG AVE	R-2
103	12	26 HAMBURG AVE	R-2
103	13	30 HAMBURG AVE	R-2
103	14	32 HAMBURG AVE	R-2
103	15	36 HAMBURG AVE	C-2
104	1	23 BROOKSIDE AVE	LI&U
104	1.01	1 WIEBEL PLZ	LI&U
105	1.03		R-2
105	2	40 HAMBURG AVE	C-2

105	3	48 HAMBURG AVE	R-2
105	4	50 HAMBURG AVE	R-2
105	5	52 HAMBURG AVE	R-2
105	6	54 HAMBURG AVE	R-2
105	7	56 HAMBURG AVE	R-2
105	8	58 HAMBURG AVE	R-2
105	9	60 HAMBURG AVE	R-2
105	10	62 HAMBURG AVE	R-2
105	15	44-46 HAMBURG AVE	R-2
106	11	64 HAMBURG AVE	R-2
106	12	66 HAMBURG AVE	R-2
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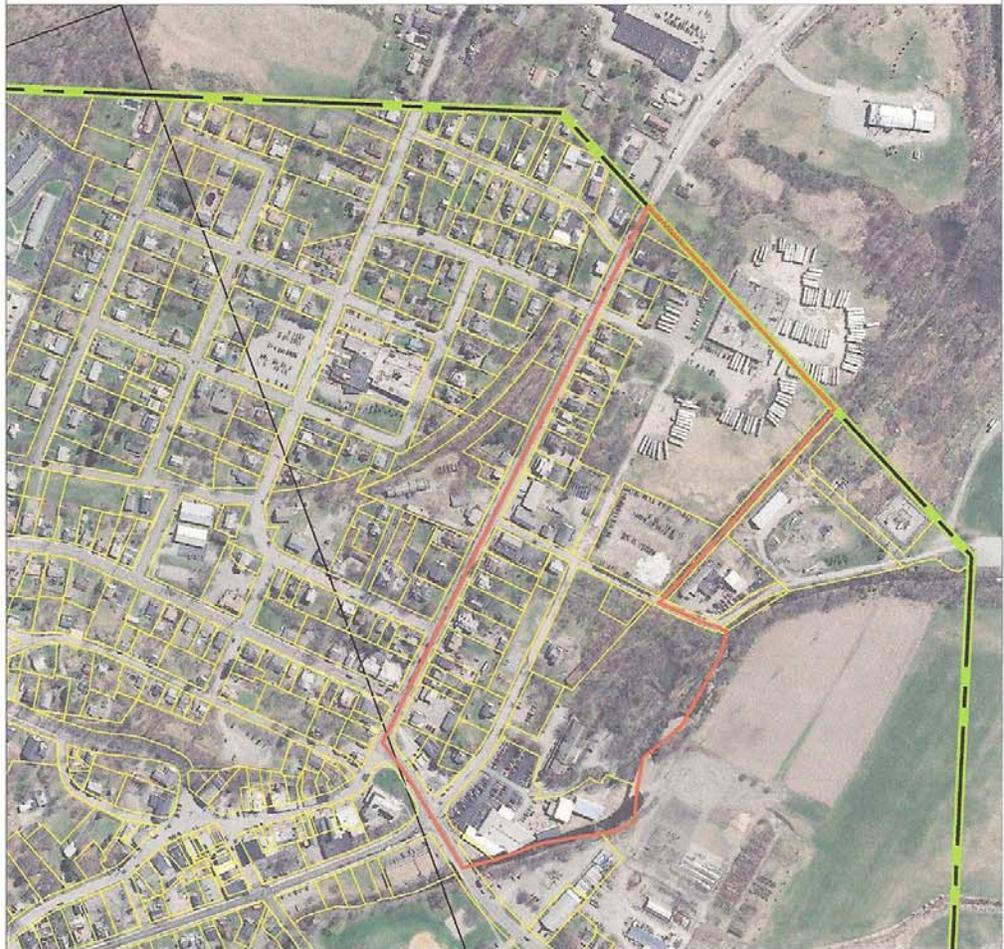
APPENDIX B

MAPS

EXHIBIT 1



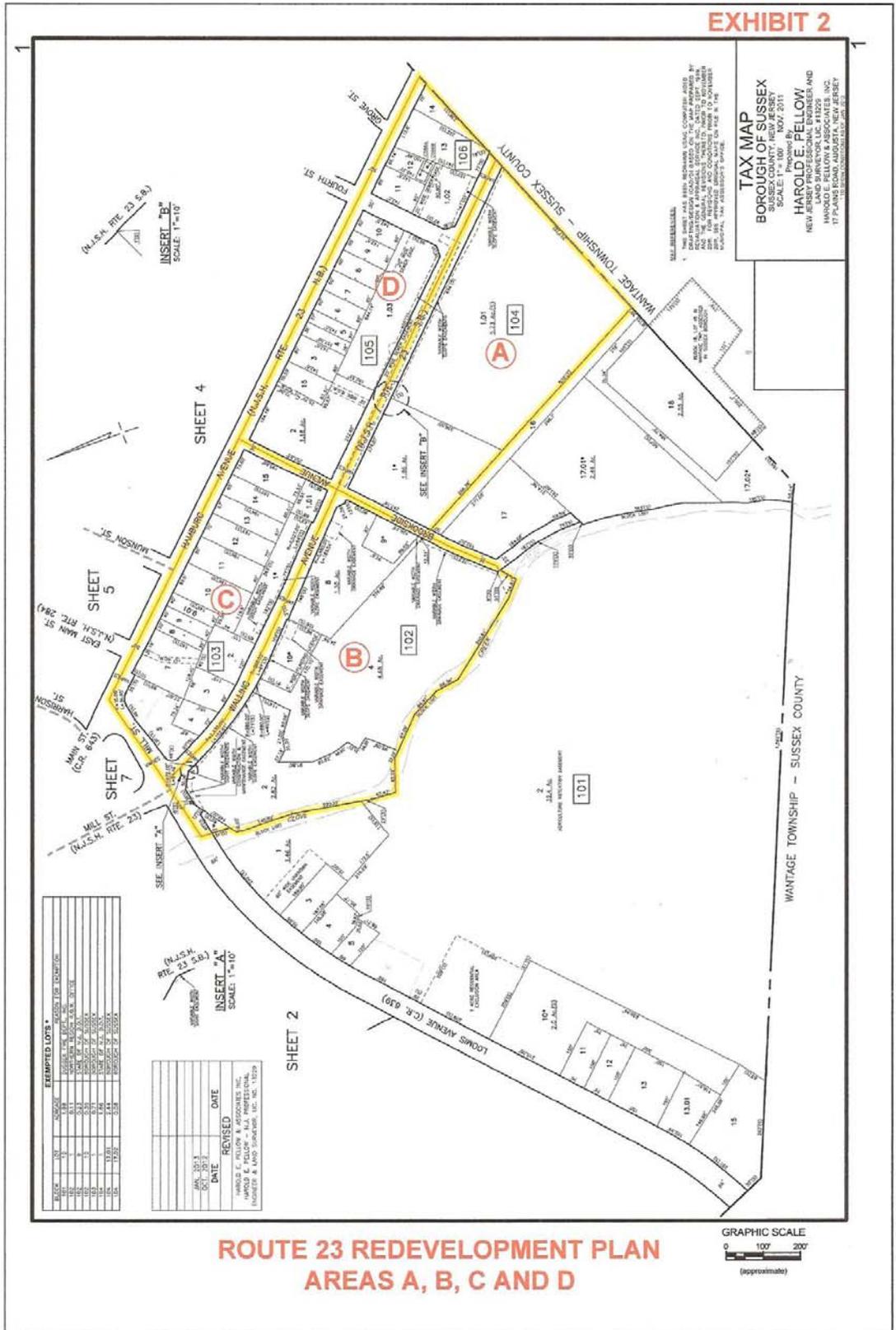
GRAPHIC SCALE
0 2000'
(approximate)



**DESIGNATED REHABILITATION
AREA**

GRAPHIC SCALE
0 500'
(approximate)

EXHIBIT 2



TAX MAP
 BOROUGH OF SUSSEX
 SUSSEX COUNTY, NEW JERSEY
 SCALE: Prepared By NOV. 2011
HAROLD E. FELLOW
 NEW JERSEY PROFESSIONAL ENGINEER AND
 LAND SURVEYOR
 17 PLAINS ROAD, AUGUSTA, NEW JERSEY
 07002-1000
 TEL: 908-885-1111 FAX: 908-885-1112

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BLK	LOT	OWNER	ACRES	DATE
101	1
101	2
101	3
101	4
101	5
101	6
101	7
101	8
101	9
101	10
101	11
101	12
101	13
101	14
101	15

ROUTE 23 (N.J.S.A. 23:5.8)
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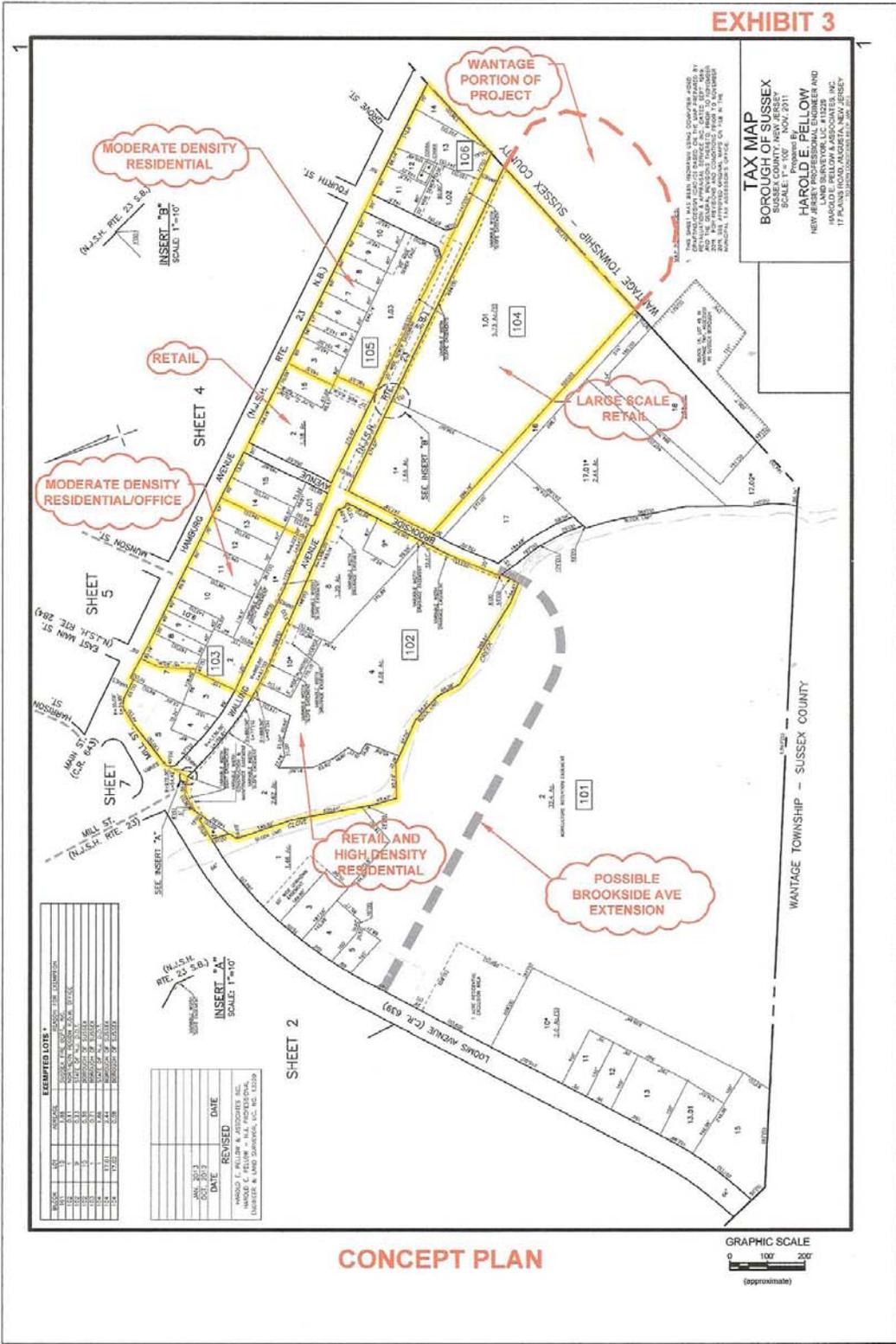
DATE	REVISED	DATE
...

HAROLD E. FELLOW & ASSOCIATES, INC.
 HAROLD E. FELLOW - P.E. & L.S.
 17 PLAINS ROAD, AUGUSTA, NJ 07002

**ROUTE 23 REDEVELOPMENT PLAN
 AREAS A, B, C AND D**



EXHIBIT 3



TAX MAP
 BOROUGH OF SUSSEX
 SUSSEX COUNTY, NEW JERSEY
 SCALE: 1" = 100' NOV. 2011
 HAROLD E. FELLOW
 NEW JERSEY PROFESSIONAL ENGINEER AND
 LAND SURVEYOR
 HAROLD E. FELLOW & ASSOCIATES, INC.
 17 PLAINS ROAD, ARGENTA, NEW JERSEY
 07002-3000

EXEMPTED LOTS *

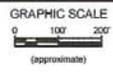
BLK	LOT	OWNER	EXEMPTION CODE	DATE OF EXEMPTION
101	1	...	...	...
101	2	...	...	...
101	3	...	...	...
101	4	...	...	...
101	5	...	...	...
101	6	...	...	...
101	7	...	...	...
101	8	...	...	...
101	9	...	...	...
101	10	...	...	...
101	11	...	...	...
101	12	...	...	...
101	13	...	...	...
101	14	...	...	...
101	15	...	...	...
101	16	...	...	...
101	17	...	...	...
101	18	...	...	...
101	19	...	...	...
101	20	...	...	...

INSERT "A"
 SCALE: 1"=10'

DATE	REVISION	DATE
...
...
...

HAROLD E. FELLOW & ASSOCIATES, INC.
 HAROLD E. FELLOW - P.E., PROFESSIONAL
 LAND SURVEYOR
 17 PLAINS ROAD, ARGENTA, NJ 07002-3000

CONCEPT PLAN



APPENDIX C

ZONING MAP

APPENDIX D

LAND USE REGULATIONS

PLEASE REFER TO SECTIONS 19-9 AND 19-10
IN THE CHAPTER ENTITLED "ZONING"