

Report of

2000 Galloping Hill Road Redevelopment Plan

Block 181 Lot 1
Kenilworth Borough
Union County, New Jersey
September, 2024

Prepared For:
Borough of Kenilworth
567 Boulevard
Kenilworth, New Jersey 07033

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1.0 BACKGROUND INFORMATION:

Kenilworth is a Borough in Union County, in the State of New Jersey. As of the 2020 United States census, the Borough's population was 8,427. The Borough had a total area of 2.15 square miles and is bordered to the north and east by Union Township, to the southeast by Roselle Park, to the southwest by Cranford, and to the northwest by Springfield Township.

Kenilworth is served by two county routes, County Route 509 and County Route 617. The Boulevard (Route 509) runs west - east through the Borough, connecting it to Cranford, Springfield and Westfield in one direction and Union and Roselle Park in the other. Michigan Avenue (Route 617) runs north - south, connecting Union and U.S. Route 22 at its north end to Roselle Park and Route 28 at its south end. The Garden State Parkway cuts northeast - southwest through the town, with Interchange 138 having both south and north bound entry and exit from the Boulevard.

NJ Transit provides bus service (Route 113) between Kenilworth and the Port Authority Bus Terminal in Midtown Manhattan in New York City and to New Jersey points (Route 58), including the City of Elizabeth and nearby Union County College in Cranford.

The closest NJ Transit rail station is Roselle Park, less than a mile from the Kenilworth border and offering direct service into New York City's Penn Station on the Raritan Valley Line and Newark Liberty International Airport is approximately 9 miles from Kenilworth.

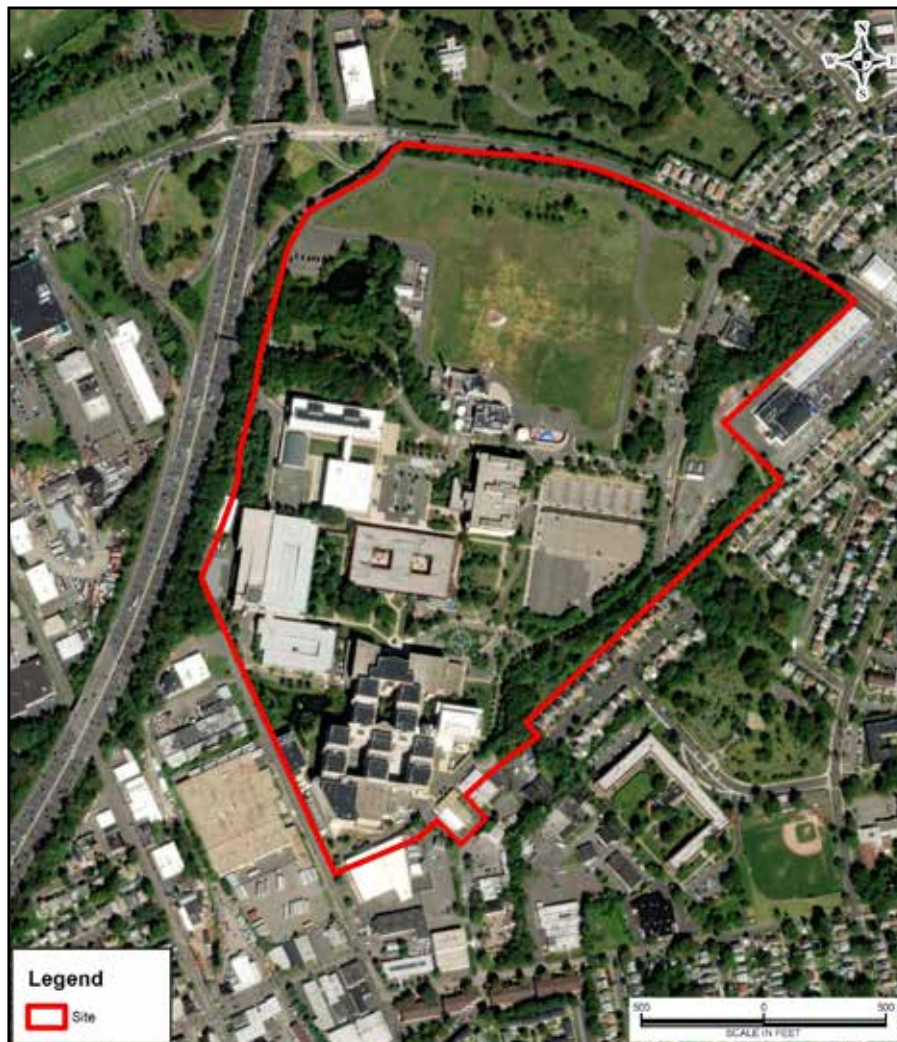


Figure 1: Aerial Map of the Redevelopment Area
Courtesy of Langan Engineering

2.0: INTRODUCTION

A. BASIS FOR THE PLAN:

This redevelopment plan applies to the 107-acre tract located at 2000 Galloping Hill Road, east of the Garden State Parkway, in the Borough of Kenilworth. On **May 15th, 2024**, the Kenilworth Borough Council designated the tract non condemnation redevelopment area per **Resolution 2024-130**, as permitted under the Local Redevelopment and Housing Law (LRHL) per N.J.S.A. 40A:12A et seq (Appendix A – Borough Council Resolution Adopting Area in Need of Redevelopment). This Redevelopment Plan applies to Block 181, Lot 1.

Pursuant to the provisions of the LRHL, the Borough Council directed the Planning Board to conduct a preliminary investigation to determine if Lot 1 of Block 181 constituted “an area in need of redevelopment without condemnation.” The following timeline explains the redevelopment area designation process (Appendix B – Redevelopment Designation Resolutions):

- On **February 21st, 2024**: the Planning Board directed its planning consultant to undertake a preliminary investigation of the study area per **Resolution 2024-082**.
- On **April 29th, 2024**: the Planning Board conducted a public hearing on the preliminary investigation report. Based on the preliminary investigation report, the Planning Board determined that the study area findings satisfied three of the statutory criteria necessary for designation as a non-condemnation redevelopment area.
- On **May 15th, 2024**: the Planning Board adopted **Resolution 2024-130**, recommending the Borough Council designate Block 181, Lot 1 as a non-condemnation redevelopment area.

The Borough Council authorized the preparation of this Redevelopment Plan, which addresses the statutory requirements set forth in the LRHL. The intent of the Redevelopment Plan is to facilitate the redevelopment of a vacant corporate campus into a vibrant mixed-use development that advances land use and economic goals identified in the Borough of Kenilworth Master Plan and promotes a high standard of planning and design.

B. SITE AND CONTEXT:

As noted in Section 2.0 of this Redevelopment Plan, the Redevelopment Area is located at 2000 Galloping Hill Road. Tax records identify the 107-acre parcel as of Block 181, Lot 1.

The following land uses surround the Redevelopment Area:

- **North:** Across Galloping Hill Road, Graceland Memorial Park Cemetery; Parkway Corporate Plaza 138 office building between cemetery to east and the Garden State Parkway.
- **West:** Across the Garden State Parkway, Galloping Hill County Park and Golf Course to northwest; Beth David Memorial Park Cemetery on north side of Boulevard (County Route 509 west of the Garden State Parkway); Commercial uses and hotel south of Boulevard.
- **South:** Light industrial uses east of the Garden State Parkway.
- **East:** Residential uses and public park in Union Borough; Commercial uses at intersection of Galloping Hill Road and Chestnut Street; Northeast of site residential and commercial uses.

The redevelopment area is a corporate campus where the buildings were originally designed around a single user, with the buildings have distinct functions in the campus operations. There are five office / laboratory buildings, five support buildings, two parking garages, accessory surface parking lots, as well as an approximately 25 acre open

developable area on the northern side of the study area near Galloping Hill Road that used to be a former warehouse. Primary access to the redevelopment area is off Galloping Hill Road, where a guardhouse controls access to the campus. A limited access road is at the south side of the redevelopment area. The campus was designed to include heightened security as part of the production and research that was conducted on the site previous. As such, the overall campus and buildings were not designed to accommodate multiple users and businesses.

C. EXISTING LAND USE / ZONING:

The underlying zoning district for the redevelopment area is the Office Research (OR) Zone District. Per §120-23.7.A of the Kenilworth Land Use Code, the OR Zone District purpose is “to provide for the expansion and development of land uses for research, engineering, product development, manufacturing and related executive and administrative offices in the Borough, to provide for a compatible relationship with abutting land uses, and to provide for the safe and efficient flow of vehicles to and from the office-research areas.” The OR Zone District permits the following principal uses:

- Research laboratories;
- Pilot manufacturing plants;
- Manufacturing facilities;
- General, administrative, executive, and business offices;
- Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.

Permitted accessory uses in the OR Zone District include child care centers primarily for the use of employees, helistops, transmitters and associated equipment, generators, warehousing and storage of materials associated with the above principal uses, signage as regulated in Article 31 of the Borough land use code, other accessory uses and structures customarily subordinate and incidental to permitted principal and/or permitted conditional uses, and fences no more than eight feet high, which may be topped by no more than two feet of barbed wire.

Conditional uses permitted in the OR Zone District include public utility facilities and limited telecommunications antennae. Per §120-23.7.E of the Kenilworth Land Use Code, the OR Zone District prohibits the following uses:

- All residential uses, except that sleeping quarters for custodial or security personnel may be provided for;
- All retail uses, except those provided for the exclusive use of employees and their guests, as provided for herein;
- The operation of cultivation facilities, product manufacturing facilities, and / or testing facilities for marijuana, hashish, and / or cannabis, and / or products containing same, and / or paraphernalia that facilitates the use of marijuana, hashish, and / or cannabis.

According to the Borough Zoning Map, the lot comprising the redevelopment area is the only lot having the OR Zone District designation.

3.0: GENERAL PROVISIONS:**A. SITE PLAN & SUBDIVISION REVIEW:**

Prior to commencement of any construction within the Redevelopment Area, a site plan prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Land Development Ordinance of the Borough shall be submitted by the redeveloper for review specific to this Redevelopment Plan for completeness and compliance, prior to any submission to the Planning Board, so that compliance with this Redevelopment Plan can be determined. This shall also pertain to revisions or additions prior to, during and after completion of the improvements.

B. ZONING MAP AND ORDINANCE AMENDMENT:

This Redevelopment plan shall supersede all provisions of Chapter 120 Land Use of the Borough of Kenilworth Code regulating development in the Redevelopment Area, except where specifically mentioned within the text of this Redevelopment Plan. In all situations where development regulations are not specifically addressed herein, the Borough Land Use regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment of the Borough Zoning Map.

C. ADVERSE INFLUENCES:

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare. Nothing in this section will prohibit the operation of research facilities so long as any such operation follows all environmental laws and regulations.

D. NON-DISCRIMINATION PROVISIONS:

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough or by the redeveloper or any of his / her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex 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. Any contractor or subcontractor engaged to perform work within the Redevelopment Area shall, where applicable, state in all solicitations or advertisements for employees placed by or on behalf of the contractor, or subcontractor, that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability or sex.

There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof.

E. IDENTIFICATION OF PROPERTY TO BE ACQUIRED:

The Redevelopment Area is a “Non-Condemnation Redevelopment Area” pursuant to the LRHL and the use of condemnation is not permitted.

F. TEMPORARY AND PERMANENT RELOCATION:

The LRHL at N.J.S.A. 40A:12A-7(a)(3) requires a provision for temporary or permanent relocation of residents in the Redevelopment Area. Any projects undertaken under the authority of this Plan shall be done voluntarily. The Redevelopment Area does not include any residential units so relocation is not necessary or proposed.

G. AFFORDABLE HOUSING:

The Redevelopment Area is subject to all requirements pertaining to affordable housing per Chapter 120 Land Use, Part 5 Affordable Housing , Article 35.

H. REDEVELOPMENT ENTITY:

The Borough shall serve as the “Redevelopment Entity” pursuant to the LRHL.

I. SELECTION OF A DESIGNATED REDEVELOPER:

In order to redevelop within the Redevelopment Area, an individual or entity must first be designated as a “redeveloper” by the Borough pursuant to the LRHL (the “Redeveloper”).

Potential redevelopers will be required to submit to the Redevelopment Entity for review and approval prior to the designation as redeveloper, at a minimum:

- Financial responsibility and capability;
- Estimated time schedule.

Upon the selection of the redeveloper, the Redevelopment Entity shall enter into a Redevelopment Agreement with the Redeveloper. Designation of a redeveloper by the Redevelopment Entity shall be subject to the execution of a Redevelopment Agreement.

Prior to the commencement of construction of any improvements on Redevelopment Area land, final plans and specifications must be submitted by the Redeveloper to the Redevelopment Entity and then to the Planning Board for site plan approval as required pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) to ensure conformance with the approved preliminary submission.

j. CONDITIONS IN REDEVELOPMENT AGREEMENT:

The Redevelopment Agreement between the Borough and the Redeveloper will include the terms, conditions, specifications and descriptions of required performance guarantees, such as performance bonds or other acceptable performance security, pertaining to the Redeveloper’s obligation to provide the necessary infrastructure and improvements, including the provision of water, sanitary sewer, stormwater sewer service, sidewalks, curbs, streetscape improvements, street lighting and on and off-site traffic controls and roadway improvements.

A Redevelopment Agreement shall include or address the following conditions, restrictions, and/or requirements.

1. The Redevelopment Agreement shall incorporate the pertinent aspects of the Redeveloper’s proposal and will address financial considerations, planning, phasing, development, and such other issues as deemed appropriate and/or as required according to state law in order to implement this Redevelopment Plan.
2. The Redeveloper shall be obligated to complete on-site improvements as approved, together with any specified off-site improvements, as may be required in accordance with this Redevelopment Plan and in accordance with Planning Board approvals.
3. The deed of conveyance shall include a restriction that the Redeveloper and his / her successors or assigns shall devote land to the use(s) specified in this Redevelopment Plan and shall not devote such land to any other uses.
4. No Redeveloper shall be permitted to dispose of property until all required improvements are completed, unless the prior written consent of the Borough and the Redevelopment Entity have been obtained.
5. The consent of the Borough and the Redevelopment Entity shall be required prior to the disposition of all or any of the Redeveloper’s interest in the Redevelopment Area.
6. No covenant, agreement, lease, conveyance, or other instrument shall be effective or executed by the Borough

or the Redevelopment Entity or by purchasers or lessees from them, or by any successors in interest of such purchasers or lessees, 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.

7. The Redeveloper shall pay to the Redevelopment Entity a fee for the purpose of defraying its costs incurred in connection with this Redevelopment Plan and the Redeveloper's project.
8. The Redevelopment Entity and the Borough reserve the right to terminate any Redevelopment Agreement with a Redeveloper subject to the terms and conditions of such Redevelopment Agreement.

K. REVIEW PROCESS:

The Redeveloper shall submit concept development plans to the Borough for review and approval. If the Borough determines that such concept development plans are not in conformance with this Redevelopment Plan or the Redevelopment Agreement, the Borough shall advise the Redeveloper of the issues that give rise to such non-conformance. The Redeveloper shall then revise the plans and resubmit them as many times as necessary to receive approval from the Borough. Upon conceptual approval by the Borough, the Development Plans shall then be submitted to the Planning Board for development approval pursuant to applicable state statute (N.J.S.A. 40:55D et seq.)

The minimum submission to the Borough shall include the following:

- Conceptual site plan, including parking and landscaping;
- Building floor plans and elevations;
- Detailed information sufficient to describe architectural character, materials, and color;
- Explanation illustrating how the project is in compliance with the Redevelopment Plan.

The Redeveloper shall be responsible for paying the Borough's costs associated with having the relevant Borough professionals review and comment on the project. Costs associated with this review shall be billed at the hourly rate of the professional so retained by the Borough.

L. DURATION OF THE PLAN:

During the time that the Redevelopment Plan is in effect, any party acting as a redeveloper (as defined in the LRHL) must obtain the approval of the Borough. This Redevelopment Plan will remain in effect for 30 years.

M.DEVIATION REQUESTS:

In accordance with N.J.S.A. 40:55D-70(c)(1), the Planning Board may grant variances allowing deviations from the regulations contained within Section 8.o.B of 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 such 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.

In accordance with N.J.S.A. 40:55(c)(2), the Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would substantially outweigh any detriments. No relief may be granted under the terms

of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan.

An application for a 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-12(a) and (b).

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area, any deviation requiring a “d” variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment to the Redevelopment Plan by the Board of Commissioners and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of this Redevelopment Plan.

In accordance with N.J.S.A. 40:55D-51(a) and (b), the Planning Board may grant waivers from the regulations contained within this Redevelopment Plan under Sections 8.0 E, F, and G, as may be reasonable and within the general purpose and intent of the provisions of the Redevelopment Plan for site plan review, if the literal enforcement of one or more provisions of the Redevelopment Plan under Sections 8.0 E, F, and G is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

N. PROCEDURE FOR AMENDING THE APPROVED PLAN:

This Redevelopment Plan may be amended from time to time in compliance with the requirements of law, provided that with respect to any land in the Redevelopment Area previously disposed of by the Redevelopment Entity for use in accordance with this Redevelopment Plan, the Entity will notice the owner of such land whose interests therein may be materially affected by such amendment.

O. ADOPTION:

Final adoption of this Redevelopment Plan by the Board of Commissioners shall be considered an amendment to the Borough Zoning Ordinance and Official Zoning Map.

P. COMPLETION OF REDEVELOPMENT:

Upon the inspection and verification by the Borough that the Redevelopment Project in the Redevelopment Area has been completed, a certificate of completion shall be issued to the redeveloper. All Redevelopment Agreements associated with the implementation of this Redevelopment Plan shall be in effect until the issuance of such a certificate.

Q. SEVERABILITY:

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 apply only to the section, paragraph, division, subdivision, clause, or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

4.0: REDEVELOPMENT PLAN COMPONENTS:

A. REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN:

N.J.S.A. 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, or redevelopment, of the Redevelopment Area sufficient to indicate the following:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and permanent relocation, as necessary, for residents in the Redevelopment Area, including an estimate to the extent to which decent, safe, and sanitary dwelling units affordable to displace residents will be available to them in the existing local housing market.
4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
5. Any significant relationship of the Redevelopment Plan to:
 - The master plans of contiguous municipalities;
 - The master plan of the county in which the municipality is located;
 - The State Development and Redevelopment Plan adopted pursuant to the “State Planning Act” P.L. 1985, c.398 (C.52:18A-196 et al.).
6. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the Redevelopment Plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan.
8. Proposed locations for zero emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
9. The Redevelopment Plan may include the provision of affordable housing in accordance with the “Fair Housing Act,” N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
10. The Redevelopment Plan shall describe its relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.). The Redevelopment Plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the Redevelopment Area. When the Redevelopment Plan supersedes any provision of the development regulations, the ordinance adopting the Redevelopment Plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the Redevelopment Area to which the Redevelopment Plan applies. Notwithstanding the provisions of the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the Redevelopment Plan or subsequent amendments thereof.

All provisions of this Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a Redevelopment Plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the Redevelopment Plan.

B. NOTE ON PLAN TERMINOLOGY:

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

“Shall” means that a Redeveloper is required to comply with the specific regulation, without deviation. “Should” means that a Redeveloper is encouraged to comply but is not required to do so.

5.0: REDEVELOPMENT PLAN ELEMENTS

The Redevelopment Plan adoption process includes the following steps as outlined in the LRHL:

- Governing body adopts resolution designating site as a redevelopment area;
- Governing body authorizes preparation of redevelopment plan;
- Planning Board reviews redevelopment plan for consistency with Master Plan;
- Planning Board sends recommendation to the governing body;
- Governing body adopts redevelopment plan by ordinance, after introduction of ordinance and public hearing.

The LRHL identifies the following elements comprising a redevelopment plan and provides that the Redevelopment Plan includes an outline for the planning, development, redevelopment, or rehabilitation of the Redevelopment Area:

- The relationship to defined local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements;
- Proposed land uses and building requirements in the Redevelopment Area;
- Adequate provision for the temporary and permanent relocation, as necessary and applicable, of residents in the Redevelopment Area, including an estimate of the extent to where decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market;
- An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan;
- Any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities, County Master Plan and State Development and Redevelopment Plan.

6.0: CONSISTENCY WITH OTHER PLANS

This section identifies how this Redevelopment Plan is consistent with other plans, including the Kenilworth Master Plan, the Union County Master Plan, and the State Development and Redevelopment Plan (SDRP).

A. KENILWORTH MASTER PLAN

The Kenilworth Planning Board adopted its most recent master plan in 2011. A key issue identified in the master plan was to “specifically address the proper zoning designation for the Merck (formerly Schering) Campus.” Prior to the adoption of the 2011 Master Plan, the study area was in the Industrial Zone District. Page 38 of the 2011 Master Plan outlines the proposed permitted and accessory uses that aligned with the previous corporate campus activities at the study area.

The Commercial Growth 1996-2007 statistics on Page 55 of the 2011 Master Plan includes a statement that “while this growth has been fairly substantial, much of it has occurred on the Merck campus.” This data and statement are an acknowledgement of the study area playing a vital role in the commercial growth and activity of Kenilworth then and remains the case now.

The Redevelopment Plan encourages and facilitates the transformation of an obsolete corporate office campus into a mixed-use development that helps the redevelopment area play a vital role in the commercial growth and activity of Kenilworth, consistent with the 2011 Master Plan. The Redevelopment Plan promotes and furthers the following master plan goals and objectives:

- **Industrial Goal B.4.** Promote the growth of industrial uses by taking advantage of area transportation infrastructure.
- **Commercial Goal C.3.** Encourage the development of the Borough’s economic base by expanding the number of permitted uses to generate employment growth, increase property values and promote the improvement of underutilized properties.

Mixed-use redevelopment as permitted for in this Redevelopment Plan would provide zoning that could transform the dated, obsolete corporate office complex into a vibrant mixed-use commercial, industrial, and retail development. The Redevelopment Plan offers a unique opportunity to revitalize the former corporate campus, allowing for existing permitted uses while adding to the permitted uses for development flexibility, consistent with the master plan goals noted above.

B. UNION COUNTY MASTER PLAN

The Redevelopment Plan is consistent with the goals and objectives identified as part of the 1998 Union County Master Plan. The redevelopment plan furthers the following goals:

- **Development:** To facilitate the development of Union County by directing growth to environmentally suitable areas that can be provided with essential infrastructure and support facilities and to revitalize the urban centers and corridors within the county;
- **Economic Development:** Continue County sponsored economic development efforts to reduce unemployment, provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial, commercial, office and retail facilities to locate or expand in Union County.

The Redevelopment Plan promotes the redevelopment of a mostly vacant, obsolete corporate office campus, encouraging new development and uses consistent with the site and surrounding area.

C. STATE DEVELOPMENT AND REDEVELOPMENT PLAN

Adopted in 2001, the State Development and Redevelopment Plan (“SDRP”) provides guidance on growth and development throughout New Jersey, coordinating public and private actions to guide future growth into compact, ecologically designed forms of development and redevelopment, consistent with statewide policies and the State Plan Policy Map. The following goals and policies are consistent with the redevelopment plan:

- Revitalize the State’s Cities and Boroughs: Build on the assets of cities and Boroughs such as their labor force, available land and buildings, strategic location, and diverse populations;
- Conserve the State’s Natural Resources and Systems: Conserve the state’s natural resources and systems as capital assets of the public by promoting ecologically sound development and redevelopment in the PA1 Metropolitan and PA2 Suburban Planning Areas;
- Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey: Encourage economic growth in locations and ways that are both fiscally and environmentally sound;
- Protect the Environment, Prevent and Clean-up Pollution: Promote ecologically designed development and redevelopment in the PA1 Metropolitan and PA2 Suburban Planning Areas.

The Redevelopment Area is in the PA1 Metropolitan Planning Area, which recommends development and redevelopment based on accessibility to transportation and utility infrastructure, and surrounding land uses. The Redevelopment Plan encourages the reactivation of an obsolete corporate office campus that would not likely become revitalized due to the changing trends in office development. Furthermore, the Redevelopment Plan provides for development options that are consistent with the smart growth principles and the goals and objectives of the SDRP.

7.0: REDEVELOPMENT PLAN DETAILS

This section outlines redevelopment plan goals and regulations. The Redevelopment Plan intent is to facilitate the development of a modern mixed-use development that will enhance and be compatible with the surrounding area.

A. PURPOSE

The Redevelopment Plan purpose is to redevelop the tract from an office complex to a modern mixed-use center in the Redevelopment Area. Once formally selected, the redeveloper will be required to enter into a Redeveloper Agreement with the Borough that stipulates the precise nature and extent of the improvements to be made, including the timing and phasing of the development as permitted herein.

B. REDEVELOPMENT AREA PARCELS

The Redevelopment Area consists of Block 181, Lot 1.

C. GOALS AND OBJECTIVES

The Redevelopment Plan advances the following goals and objectives:

- A. Develop an integrated mixed-use development that includes commercial, industrial, retail, and office uses for employees and visitors;
- B. Encourage a mixed-use development that has a distinctive identity and character;
- C. Incorporate smart growth and environmentally friendly principles to minimize potential environmental impacts;
- D. Provide for land uses that strengthen and enhance the Borough's economic base and provide for increased employment and commerce opportunities;
- E. Provide for appropriate aesthetics, visibility, and security.

D. DEFINITIONS:

To the extent the existing zoning ordinance definition or provision conflicts with this Redevelopment Plan, the Redevelopment Plan shall prevail. Refer to §120-1.5 of the Borough Land Use Code for additional applicable definitions.

- A. **AGE-RESTRICTED HOUSING:** Housing units designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 55 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 50 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.
- B. **ASSISTED LIVING FACILITY:** A residential facility for the elderly licensed by the Department of Health and Senior Services that provides assistance with personal care when needed, and which may include accessory health services, recreational activities, financial services, and transportation for residents only.
- C. **DATA CENTER:** A centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations. Often another term used for data centers is "collection data centers" which means that several businesses may rent space to house their servers in a common location. A data center includes environmental and mechanical controls (air conditioning, fire suppression, etc.), redundant/backup power supplies (including generators and battery backup), redundant data communications connections and high security.

- D. **LIGHT INDUSTRY:** Means any production, processing, assembly or fabrication of goods, materials, or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials, or products. This definition includes Processing, assembling, finishing, packaging, and storing of goods and materials; packaging and bottling establishments; and wholesale commercial establishments.
- E. **LIFE SCIENCES:** Activities focusing on research and/or manufacturing of drugs, therapies, treatments, diagnostics, and devices used in healthcare, including but not limited to biotechnology experts, medical device developers, and pharmaceutical manufacturers.
- F. **LONG-TERM CARE FACILITY:** A nursing, congregate-care, rehabilitation, or convalescent home licensed by the State of New Jersey and primarily designed to furnish lodging or nursing care or required supervised care to persons by reason of their being aged, sick, infirm, convalescent, invalid, bedfast, handicapped or impaired, but not designed to serve the mentally ill or those suffering from a communicable disease or those addicted to narcotics or alcohol.
- G. **OFFICES, GENERAL:** An establishment for conducting general business affairs which does not offer a product or merchandise for sale to the public on the premises, but conducts administrative or professional services, including but not limited to the offices of an attorney, engineer, insurance agent, title service, financial advisors, architect, accountant, real estate sales, architect, marketing, consulting services, or similar occupations.
- H. **OFFICES, MEDICAL:** An establishment operated by a licensed medical professional used for the primary purpose of providing general healthcare services to nonresident patients, such as the office of a doctor, psychiatrist, dentist, chiropractor, therapist, mental health counselor, or a similar professional.
- I. **RETAIL USE:** Includes establishments engaged in selling goods or merchandise to the general public for use or consumption, or that address the personal and consumer needs of customers. This definition also includes restaurants and eating and drinking establishments with or without a liquor license, including drive-through restaurants; banks and financial institutions, including drive-through banks; art, music, and dance studios; indoor and outdoor recreational and fitness facilities; automobile gasoline, electric charging, and service stations; and car washes.
- J. **SELF-STORAGE FACILITY:** A facility solely used for the storage of goods and materials within self-contained compartments by various users.
- K. **TRACT:** For purposes of this section, the word or phrase “tract” or “tract lot line” shall be synonymous with the Redevelopment Area itself, designated per Borough Council resolution. The bulk requirements of the Redevelopment Area apply to either the tract or internal lot or lot line(s) as identified herein.
- L. **VETERINARY FACILITY:** An establishment where animals are examined and treated by one or more veterinarians, and which may include accessory boarding on a temporary basis.
- M. **WAREHOUSE:** An establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking, and value-added services. Such facility may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility.

8.o: ZONING / BULK STANDARDS:**A. PERMITTED USES:**

1. **Permitted Principal Uses:** The following uses are permitted principal uses in this Redevelopment Plan.
 - a. Research and development, laboratories, including life sciences;
 - b. Light industrial;
 - c. Offices, general and medical;
 - d. Veterinary facilities;
 - e. Data centers;
 - f. Warehouses;
 - g. Self-storage facilities;
 - h. Retail and service uses;
 - i. Public and private schools and universities;
 - j. Student housing;
 - k. Public and private utility facilities;
 - l. Hotels;
 - m. Age-restricted housing;
 - n. Assisted living and long-term care facilities;
 - o. Any other use, in the opinion of the approving authority, substantially similar to those identified in this section.

B. PERMITTED ACCESSORY USES:

1. Any uses which are clearly or customarily ancillary and incidental to a permitted principal use on the same property including but not limited to;
 - a. Off-street parking, including surface parking, under-building parking, and parking garages;
 - b. Fences and walls;
 - c. Signs;
 - d. Buildings for storage of maintenance equipment;
 - e. Accessory utility infrastructure including and not limited to tanks, water tanks, generators, substations, treatment facilities;
 - f. Other accessory uses normally incidental to the principal permitted use.
2. Request for relief for any the structures related to the permitted accessory uses of this Redevelopment Plan shall be recognized as bulk variances in accordance with Section 3.o.M of the Redevelopment Plan.

C. CONDITIONAL USES:

None permitted.

D. PROHIBITED USES:

This Redevelopment Plan prohibits any principal use not specifically permitted in herein or by other applicable law and expressly prohibits the manufacturing, distribution and sale of cannabis for the area designated in need of redevelopment consisting of Block 181 Lot 1.

E. BULK AREA REQUIREMENTS:

The bulk requirements for the uses permitted in this Redevelopment Plan are set forth herein. The requirements apply to the entire tract, which can be subdivided into multiple lots, each of which are subject to the minimum lot

area requirement. The remaining requirements, including building setback and coverage requirements, apply to the entire tract. Unless otherwise noted in this section, the bulk requirements apply to the permitted uses.

1. Redevelopment Area Bulk Standards:

a. Minimum Tract Area	10 acres
b. Minimum Lot Area	10,000 square feet
c. Maximum Building Height	100 feet
d. Maximum Building Coverage	55%
e. Maximum Impervious Coverage	85%
f. Maximum Floor Area Ratio	1.25
g. Minimum Landscaped Open Space	15%
h. Minimum Front Yard Setback	40 feet
i. Minimum Side Yard Setback	10 feet
j. Minimum Rear Yard Setback	15 feet

2. Building Heights:

Unless otherwise specified herein, the maximum building height is 100 feet.

<u>Use Type</u>	<u>Max. Bldg. Height</u>
a. Warehouses	60 feet
b. Data Processing Centers	
• 1 story	40 feet.
• More than 1 story	100 feet
c. Retail and Service Uses	40 feet

3. Building heights setbacks from Galloping Hill Road:

The minimum building setback from Galloping Hill Road based on building height.

<u>Building Height (feet)</u>	<u>Min. Bldg. Setback from Galloping Hill Road</u>
< 60	40 feet
60-80	50 feet
> 80-100	60 feet

Hotels and retail and service uses shall have a 40-foot minimum setback from Galloping Hill Road regardless of building height.

4. Warehouse: Specific bulk standards:

- Maximum buildable area on front development parcel: 580,000 square feet. Ancillary warehouse space related to other uses on the campus do not count toward the maximum buildable area;
- Enhanced landscape buffer along Galloping Hill Road frontage;
- Loading docks cannot face Galloping Hill Road.

5. Residential: Use specific bulk standards:

- Residential uses must be within 2,000 feet of Galloping Hill Road.

F. PARKING REQUIREMENTS:

The parking requirements for the uses permitted in the Redevelopment Area are set forth below.

1. Redevelopment Area Parking Requirements:

<u>Use Type</u>	<u>Required Spaces</u>
Research and development, laboratories:	1 space per 1,000 square feet (SF) gross floor area (GFA)
Light industry, assembly:	1 space per 750 SF GFA or 1 space per employee on maximum shift, whichever is greater
Offices, general, administrative, executive, and business:	1 space per 300 sf GFA
Offices, medical:	1 space per 250 SF GFA
Veterinary facilities:	1 space per 300 SF GFA (not including kennel space)
Data processing centers:	1 space per 10,000 SF GFA or 1 space per employee on maximum shift, whichever is greater.
Warehouses:	1 space per 5,000 SF GFA or 1 space per employee on maximum shift, whichever is greater
Self-storage facilities:	1 space per 15,000 SF GFA
Retail and service uses:	1 space per 300 SF GFA
Restaurants, full services:	1 space per 3 seats
Restaurants, all others:	1 space per 250 SF GFA or 1 space per 3 seats, whichever is greater
Financial institutions:	1 space per 300 SF GFA
Art, music, and dance studios:	
Public theater, auditorium with fixed seats:	1 space per 3 seats, plus 1 space per meeting hall with fixed employee seats
Public theater, auditorium without fixed seats:	1 space per 100 SF GFA or meeting hall without fixed seats
Recreational facilities:	1 space per 250 SF of nonstorage floor area
Wholesale establishments:	1 space per 1,000 SF GFA or 1 space per employee on maximum shift, whichever is greater
Public and private schools and universities:	
Elementary/middle junior high/senior high school:	1 space for each staff member or employee for schools containing grades under the 10th grade. For schools containing grades 10th and/or 11th and/or 12th, off-street parking, in addition to that required for staff or employees, shall be provided at the rate of one space for each six students

For colleges, universities, community colleges, vocational-technical schools, and other types of postsecondary education:

one parking space for every six students

Hotels:

1 space per guest room, plus 1 space per employee on maximum shift, plus 1 space per 6 fixed seats in any meeting rooms

Public and private utility facilities:

Minimum 2 off-street spaces, or 1 space per employee, whichever is greater

Student housing:

Shall comply with Residential Site Improvement Standards (RSIS) as amended. Parking requirements often depend on number of units and bedrooms

Age-restricted housing:

Shall comply with RSIS as amended. Parking requirements often depend on number of units and bedrooms

Assisted living and long-term care facilities:

1 space per 3 beds

2. Other Parking Requirements:

- a. If the development plan for a phase or construction of phases meets the statutory criteria, the developer may apply to obtain a “de minimis” exception or waiver from the New Jersey Residential Site Improvement Standards (RSIS) parking requirements pursuant to N.J.A.C. 5:21-3.1 or 2, if the phase(s) meet the criteria of either regulation. If the Borough agrees to the request, it will join and support the application to the Site Improvement Advisory Board.
- b. Restaurants and similar places. Outdoor dining does not require additional parking.
- c. All off-street parking lots shall be located a minimum of 5 feet away from exterior tract lines.
- d. Shared parking. For mixed-use buildings, a shared parking approach for the provision of off-street parking shall be permitted where feasible, as determined by the approving agency. The methodology used by the developer to calculate the number of shared parking spaces needs to conform with Article 27 of the Borough Land Use Code and those recommended in the Urban Land Institute “Shared Parking Standards for a Mixed-Use Center” 2nd Edition or later.
- e. The applicant will provide the shared parking study to the Planning Board for approval, addressing the following issues related to shared parking:
 - i. The recommended parking needs of the mixed-use project;
 - ii. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant were added;
 - iii. Similar mixes of uses in other areas of the community or of a similar project operated by the developer;
 - iv. Degree of variability of parking for individual uses (average, range, and standard deviation);
 - v. If the Planning Board approves shared parking, future tenancy changes will be subject to review and approval of the changes to the shared parking approval. Such change in tenancy review would be undertaken as a minor site plan in accordance with Article 12 of the Borough land use code.

G. SIGNS:

1. Any sign component not specifically addressed in this section is subject to Article 31 of the Borough Land Use Code.
 - a. **Purpose:** Signs in the redevelopment area shall conform to a comprehensive sign design plan. A design theme shall include style of lettering, method of attachment, construction, material, size, proportion, lighting, and position. Color of letters and background shall be considered in relation to the color of the materials of the building(s) or relative to the proposed location of the signs. The signage design and location shall provide efficient, appropriate, and attractive direction and identification of site uses. All freestanding or directional signs throughout the development shall have a consistent design theme. Signs shall be a subordinate rather than predominant feature of any building.
 - b. **Comprehensive directional signage plan:** Shall be provided for Board review and approval which covers overall project identification, pedestrian crossing, parking, and directional instructions. A signage hierarchy shall be established for these signage categories.
 - c. **Review and Approval Process:**
 - i. Signs shall conform to this plan and the Borough Land Use Code in all other respects;
 - ii. Applications for comprehensive sign review by the Planning Board shall include:
 - a. Site plan indicating locations of all existing and proposed signs;
 - b. A scaled elevation drawing of the entire building façade;
 - c. The elevation drawing and detailed drawings, shall clearly identify and delineate the proposed signs, indicating content, color, orientation, projection, and illumination.
 - d. **Exempted Signs:** Signs exempt from permit and fee requirements as set forth in §120-31.9 of the Borough Land Use Code.
 - e. **Prohibited Signs:** Sign features as noted in §120-31.12 except as noted in this district herein.
 - f. **Wall-Mounted Signs:**
 - i. Warehouse and Light Industrial Uses:
 - a. Permitted on main building façade, as designated by applicant. More than one sign is permitted on the main building façade of each building;
 - b. Maximum aggregate sign area: one square foot per building frontage occupied by the use, not to exceed 500 square feet per building;
 - c. Maximum façade sign area: 300 square feet per sign;
 - d. Maximum façade sign vertical dimension: 15 feet;
 - e. Internal illumination permitted.
 - ii. All other uses:
 - a. No sign shall exceed 2 square feet in area for each one foot of linear width of the front building wall on which the sign is to be located, provided that no sign may exceed 85 percent of the front wall of the storefront that is occupied;
 - b. No sign shall exceed 300 square feet in total area. Signs may be placed on (i) the front entrance area of the building, (ii) at a feature corner of the building, and (iii) on the sides of a building facing Galloping Hill Road and the Garden State Parkway.

- iii. Such signs shall advertise only such business and operations as is conducted on the tract. Acceptable types of wall-mounted signs include the following:
 - a. Individual letters, pin-mounted to the façade, externally illuminated;
 - b. Two- and three-dimensional or open channel type lettering, either face-lit, edge-lit, or halo-lit;
 - c. Push-through edge-lit letters on a solid background;
 - d. A wall mounted sign shall not extend more than twelve (12) inches from the building and shall have a minimum clearance height of eight (8) feet from the ground;
 - e. Lettering affixed to a panel which is erected on the façade within the allotted signage area;
 - f. Letters shall be individually mounted without exposed raceways or sign boxes unless architecturally integrated into the comprehensive sign design.
 - g. In addition to all other signage, restaurants and eating establishments may be permitted the following signs:
 - i. One wall-mounted display sign per business, featuring the actual menu, but not to exceed three (3) square feet in area. Such sign feature is exempt from the minimum clearance height above grade but shall not project more than 6 inches from a wall;
 - ii. One free standing sandwich board sign not to exceed three (3) square feet per sign face which shall not obstruct pedestrian traffic and must be removed during closing hours.

g. **Monument Signs:**

- i. Internal illumination permitted.
- ii. Multi-tenant Signs at each curb cut along Galloping Hill Road Frontage:
 - a. Multi-tenant monument signs shall be permitted at each curb cut along the tract entrance not to exceed 300 square feet;
 - b. If any such monument sign is incorporated into a wall or hardscaping feature, the 300 square feet limit shall only be applied to the signage and shall not limit the size any wall or hardscaping feature;
 - c. The maximum sign height should not exceed 15 feet except architectural column caps, finials, or similar features can extend an additional 2 feet above this height requirement;
 - d. The monument sign setback may be within 15 feet from all property lines and shall be placed outside of intersection sight distance requirements.
- iii. Each building shall have up to two dedicated monument signs:
 - a. Maximum sign area: 250 square feet per sign;
 - b. Maximum freestanding sign height: 10 feet to the top of the sign face, excluding architectural elements.

h. **Directional Signs:**

- i. A directional sign which contains only information on the site designed to direct pedestrian or vehicular traffic to the location of a facility on the property on which the sign is located. Such signs may include, but are not limited to, arrows or text;

- ii. The tract logo or name and occupant logos and names may be listed on a directional sign. Regulation traffic control signs as required by applicable regulations are exempt from the directional sign requirements contained herein;
- iii. Directional signs may include name and identification of a building and shall not exceed 32 square feet for vehicular directional guidance signs or 25 square feet for pedestrian directional guidance signs. Said freestanding sign shall not be more than 6 feet 6 inches from the ground. All such signs shall not obstruct intersection sight distance requirements.

H. LANDSCAPE DESIGN STANDARDS:

The provisions of this section shall apply at the time of a site plan application for the phase of work proposed.

1. **Off Street Surface Parking:** All proposed off street surface parking areas with 40 spaces or more shall be screened from all public streets with the following criteria:
 - a. The planting area adjacent to the surface parking shall be planted with evergreen shrubs at least three feet high at the time of planting which are a species that will form a year round dense screen;
 - b. Perimeter trees shall be planted at no greater than 30 foot on center based on the perimeter length of the parking area.
2. **Interior Landscape Planting:** All surface parking areas 40 or more parking spaces or at least 12,000 square feet in area shall provide at least one 3 - 3.5" inch caliper tree for every 12 parking spaces which include perimeter trees.
 - a. Fractions equal to or greater than 0.5 resulting from this calculation shall be considered to be 1 tree;
 - b. Each such tree shall be located in a planting island with a minimum area of 150 square feet of pervious surface;
 - c. The following distribution of trees shall apply:
 - i. Each end space in a row of 12 or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - ii. No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area.
3. **Required Screening:** The following uses or site elements must be screened from abutting a residential property and from Galloping Hill Road: (South 31st Street is a public street and is not subject to this requirement.)
 - a. Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - b. Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - c. Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - d. Utility meters, HVAC equipment, generators, transformers, and similar equipment, structures, or mechanisms at ground level;
 - e. Outdoor storage of materials, stock and equipment; and
 - f. Any other uses for which screening is required under these regulations.

4. **Installation Requirements:** The following contains standards to be used in installing screening:
 - a. Trees must be installed with a minimum 3"-3.5" inch caliper and must be large deciduous or evergreen species which have a minimum growth height of 25 feet;
 - b. Trees should be trimmed up 8 feet at the time of planting;
 - c. Shrubs used in any screening or landscaping should be evergreen, at least 3 feet tall with a minimum spread of 2 feet when planted and no further apart than 4 feet. They must be of a variety and adequately maintained so that an average height of 3 to 4 feet could be expected as normal growth within 4 years of planting;
 - d. Any fence or wall used for screening should be constructed in a durable fashion of brick, stone, other masonry material, specifically designed for fencing or wall construction purposes;
 - e. A fence used for screening in accordance with this Redevelopment Plan should be entirely closed, or opaque. A chain link fence with plastic, metal or wooden slats cannot be used and does not satisfy the requirements of this section;
 - f. The maximum height for a wall or fence is 6 feet, except that a fence as tall as 8 feet shall be permitted along a property line.
5. **Minimum Street Trees:** based on Galloping Hill Road Frontage: 1 tree per 50 linear feet of Galloping Hill Road frontage. Existing trees proposed to remain can count towards this requirement.
6. **Minimum Clearance from the Foundation Wall or Fence:** 2 feet.
7. **Minimum Evergreen Plantings:** 1 evergreen planting per 40 feet of the foundation wall or fence.

I. PHASING PLANS:

1. The Planning Board may approve the development plan in whole or in phases, provided each phase is self-sufficient with regards to parking, access, utilities, buffering, and other site plan items. The approval may include such phasing plan during site plan review and approval. To the extent necessary, the bulk requirements of this redevelopment plan pertaining solely to setbacks, buffers, building and impervious coverage may be adjusted.
2. As a condition to preliminary and / or final approval of the development plan, the Planning Board may permit the implementation of the plan in whole or in sections or in stages consisting of one or more sections or stages in accord with the sequence of actions determined as part of the development plan. Such sections or stages shall be:
 - a. Substantially and functionally self-contained regarding access, parking, open spaces, and similar physical features;
 - b. Provided with such temporary or permanent transitional features, buffers or protective areas as the Planning Board may require, to avoid damage or detriment to any completed section or stage, to other sections or stages and to adjoining properties not in the development plan. Plans and specifications of such sections or stages are to be filed with the Planning Board and are to be of sufficient detail and at such scale as to fully demonstrate:
 - i. The arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping and public and private utilities and service facilities and land ownership conditions;

- ii. The extent and sequence of traffic improvement both on- and off-site and all proposed agreements for implementation of such improvements.

APPENDICES
RESOLUTIONS

No. 2024-130

**RESOLUTION
KENILWORTH, NJ**

**RESOLUTION CONCURRING WITH THE PLANNING BOARD'S REDEVELOPMENT
INVESTIGATION REGARDING THE DELINEATED AREA OF BLOCK 181, LOT 1 (2000
GALLOPING HILL ROAD) AND DESIGNATING IT AS AN AREA IN NEED OF REDEVELOPMENT
FOR NON-CONDEMNATION PURPOSES**

WHEREAS, the Borough of Kenilworth (the "**Borough**") has a total area of 2.15 square miles, of which 106 acres comprise the Merck (previously Schering) Campus located at Block 181, Lot 1 (2000 Galloping Hill Road) on the official tax map of the Borough (the "**Property**"); and

WHEREAS, the Property served as the suburban corporate campus for the largest employer in Kenilworth and plays a vital role in the commercial growth and activity of the Borough; and

WHEREAS, in April 2020, Merck announced its intention to consolidate its New Jersey campuses into a single headquarters at its Rahway location; has already relocated the pilot plant, most of the laboratory space, and corporate offices from the Property; and is scheduled to completely vacate the Property by June 2025; and

WHEREAS, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (the "**LRHL**"), sets forth the criteria for a determination of whether a delineated area may be designated as an area in need of redevelopment; and

WHEREAS, the governing body authorized its pre-qualified planning consultant, DMR Architects ("**DMR**") to assist the Planning Board to conduct a preliminary investigation study of the Property (the "**Area of Investigation**") to determine if it qualifies as an "area in need of redevelopment" for non-condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and 40A:12A-3; and

WHEREAS, on February 21, 2024, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough adopted Resolution No. 2024-82 authorizing and requesting the Planning Board to undertake a preliminary redevelopment investigation to determine whether the Area of Investigation constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under the LRHL; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on April 29, 2024, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the Area of Investigation constitutes an area in need of redevelopment as that term is defined under the LRHL; and

WHEREAS, on April 29, 2024, Francis A. Reiner, LLA, PP, of DMR (the "**Planner**"), publicly presented a report titled "Preliminary Investigation for Non-Condensation Area in Need

of Redevelopment Designation” for the Area of Investigation dated April 2024 (the “**Investigation Report**”), which is attached hereto and made part hereof as **Exhibit A**; and

WHEREAS, the Investigation Report opines that the Area of Investigation evidences conditions and characteristics that qualify the same as an “area in need of redevelopment” because it satisfies criteria (b) and (h) of the LRHL under N.J.S.A. 40A:12A-5; and

WHEREAS, the Investigation Report demonstrates that 88.05% of the buildings in the Area of Investigation (measured by approximate square footage) previously used as an office park with office, manufacturing, and laboratory uses, have been vacant for at least two consecutive years, thus satisfying criterion (b) as an area in need of redevelopment; and

WHEREAS, the Investigation Report demonstrates that designation of the Area of Investigation for redevelopment is consistent with smart growth planning principles adopted pursuant to the State Development and Redevelopment Plan and the Municipal Land Use Law because the Area of Investigation is in the Metropolitan Planning Area where redevelopment is encouraged and is accessible to transportation and utility infrastructure and redevelopment can protect natural resources, promote more sustainable future development, encourage redevelopment of an obsolete corporate campus, promote public health, safety, morals and the general welfare, and meet the needs of New Jersey citizens, thus satisfying criterion (h) as an area in need of redevelopment; and

WHEREAS, on April 29, 2024, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation, at which; and

WHEREAS, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that the Property comprising the Area of Investigation constitutes an area in need of redevelopment under N.J.S.A. 40A:12A-5; and

WHEREAS, on April 29, 2024, the Planning Board received testimony from the Planner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and


WHEREAS, on April 29, 2024, the Planning Board also reviewed in detail the written summary and testimony of Board Planner Kevin O’Brien, PP, AICP of Shamrock Enterprises, Ltd.; and

WHEREAS, in accordance with the Planner’s findings, the Planning Board recommended that the governing body of the Borough designate Block 181, Lot 1 (2000 Galloping Hill Road) (the “**Redevelopment Area**”) as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that this area meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, as follows:

1. The Mayor and Council hereby adopt the above recitals, findings of the Planning Board, and the Investigation Report attached hereto as **Exhibit A** prepared by the Planner as if set forth fully herein, therefore determining and hereby declaring that Block 181, Lot 1 (2000 Galloping Hill Road) is an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under N.J.S.A. 40A:12A-5.
2. Pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.
3. Pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the Redevelopment Area as those names are listed within the official Tax Assessor's records within 10 days of the adoption hereof.
4. Pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission and address to which notice of this determination may be sent.
5. Pursuant to N.J.S.A. 40A:12A-7, DMR is hereby authorized and directed to begin preparation of a Redevelopment Plan for the Redevelopment Area to facilitate redevelopment of the Property and effectuate the purposes of the LRHL.
6. A certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Borough Clerk.
7. This Resolution shall become effective immediately upon adoption.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 15, 2024**.


Angela Lazzari, RMC
Borough Clerk

	Moved	Seconded	AYE	NAY	ABSTAIN	ABSENT
BOYLE			✓			
FINISTRELLA			✓			
GIORDANO PICERNO		✓	✓			
MAURO			✓			
SCORESE			✓			
ZIMMERMAN	✓		✓			
MAYOR KARKOWITZ						

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF KENILWORTH PLANNING BOARD
UNION COUNTY, NEW JERSEY**

**AUTHORIZATION DIRECTING DMR ARCHITECTS TO CONDUCT A NON-
CONDEMNATION AREA IN NEED OF REDEVELOPMENT STUDY**

**Approved: April 11th, 2024
Memorialized: April 11th, 2024**

WHEREAS, by Resolution 2024-082, dated February 21st, 2024, the Borough Council of the Borough of Kenilworth ("Borough") has directed the Planning Board of the Borough of Kenilworth ("Board"), to undertake a Preliminary Investigation to determine whether the proposed Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A 40A:12A-5 et seq. for the area commonly known as 2000 Galloping Hill Road, Borough of Kenilworth, County of Union, and more specifically designated as Block 181, Lot 1 on the Borough Tax Map; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Borough of Kenilworth, pursuant to the provisions of the Redevelopment and Housing Law, shall undertake a non-condemnation preliminary investigation of the Study Area and, in furtherance of such, hereby directs as follows:

1. Block 181, Lot 1 is designated as the "Study Area" under the Redevelopment and Housing Law.
2. DMR Architects, and its planner, Francis Reiner, P.P., is directed to conduct a study of the applicability of the requirements of the Redevelopment Law to the "Study Area" and report to the Planning Board with his findings no later than 15 days in advance of the May 9, 2024 meeting of the Board.
3. DMR Architects, and its planner, Francis Reiner, P.P., is directed to present the Area in Need of Redevelopment Study at a noticed public hearing on April 29, 2024.
4. The Board authorizes and instructs DMR Architects to consult with the Board Planner, Kevin O'Brien, M.S., P.P., A.I.C.P., of Shamrock Enterprises, Ltd., who has been authorized separately by the Board to create a summary of the Study for the Board.
5. The Board Secretary is authorized to provide notice for a public hearing on the Redevelopment Study for a meeting of the Board on April 29, 2024 meeting, or for such other meeting date as shall be determined by the

Board, in compliance with the notice provisions of the Redevelopment Law and the Open Public Meetings Act.

6. The Planning Board shall thereafter report its findings to the Governing Body in the form of a Resolution, as per N.J.S.A 40A:12A-5 et seq.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the appropriate newspaper, and to send a certified copy of this Resolution to the Borough Clerk, Borough Engineer, and the Borough Assessor and make same available to all other parties.

CERTIFICATION

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Kenilworth Planning Board, Union County, New Jersey, at a public meeting held on April 11th, 2024.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Linda Karlovitch						✓
Rich Picerno			✓			
Gregg David			✓			
William Mauro						✓
Larry Clementi			✓			
Nick Pantina			✓			
Frank Mazzeo			✓			
Anthony Laudati			✓			
Scuderi, Michael		✓	✓			
Louis DeMondo	✓		✓			
Joseph Caello						✓
Anthony Deluca			✓			
Steven Dunn			✓			
Tony Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Planning Board of the Borough of Kenilworth at a Meeting held on April 11, 2024.

Kathleen Moschitta

Kathleen Moschitta,
Planning Board Secretary

Rich Picerno

Rich Picerno
Planning Board Chairman

WHEREAS, at the Planning Board meeting of April 29th, 2024 Mr. Reiner testified in detail as to the existing conditions of the Study Area, and also analyzed the subject property and the statutory criteria required for the determination of a need for redevelopment; and

WHEREAS, the Planning Board also reviewed in detail Board Planner Kevin O'Brien's written summary and testimony; and

WHEREAS, at the conclusion of the public hearing, and after a review of the testimony and public comments and the contents of the Preliminary Investigation Study, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 et. seq. for designating the Study Area, Block 181, Lot 1, known as 2000 Galloping Hill Road, as a Non-Condernation Area In Need Of Redevelopment, in that said designation is necessary for the effective redevelopment of the Study Area; and

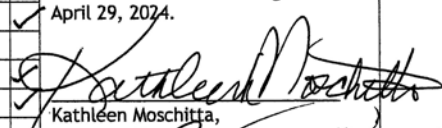
WHEREAS, given this conclusion the Planning Board refers this matter to the Borough Council for all appropriate action.

CERTIFICATION

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Kenilworth Planning Board, Union County, New Jersey, at a public meeting held on April 29th, 2020.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Linda Karlovitch						✓
Rich Picerno			✓			
Gregg David						
William Mauro						
Larry Clementi	✓		✓			
Nick Pantina			✓			
Frank Mazzeo			✓			
Anthony Laudati						
Scuderi, Michael			✓			
Louis DeMondo						
Joseph Calello						
Anthony Deluca		✓	✓			
Steven Dunn						✓
Tony Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Planning Board of the Borough of Kenilworth at a Meeting held on April 29, 2024.


Kathleen Moschitta,
Planning Board Secretary


Rich Picerno
Planning Board Chairman

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF KENILWORTH PLANNING BOARD
UNION COUNTY, NEW JERSEY**

**RECOMMENDATION DETERMINING THAT BLOCK 181, LOT 1, IS A NON-
CONDEMNATION AREA IN NEED OF REDEVELOPMENT, AND APPROVING THE
PRELIMINARY INVESTIGATION STUDY WITH A RECOMMENDATION TO THE
BOROUGH COUNCIL TO PROCEED WITH THE DETERMINATION OF THE NEED
OF REDEVELOPMENT AND TO AUTHORIZE THE REDEVELOPMENT PLAN,
PREPARATION AND ADOPTION**

**Approved: April 29th, 2024
Memorialized: April 29th, 2024**

WHEREAS, by Borough Council Resolution 2024-82, adopted on February 21st, 2024 the preparation of a Preliminary Investigation Study was authorized regarding the determination of an area of land as a Non-Condemnation Area In Need Of Redevelopment identified on the Borough of Kenilworth Tax Maps as Block 181, Lot 1, known as 2000 Galloping Hill Road; and

WHEREAS, the Planning Board was directed to commence, with the assistance of a licensed professional planner, in the preparation of a Preliminary Investigation Study of said designated area. The subject property has a lot area of approximately 108 acres, and is located in an Office Research zone on the eastern edge of the Borough of Kenilworth, adjacent to the Township of Union. The Study Area is east of the Garden State Parkway Exit 138 and south of Galloping Hill Road; and

WHEREAS, said Preliminary Investigation Study was prepared by Fran Reiner, P.P., A.I.C.P., Of DMR Architects, and was set forth in the attached Planning Report; and

WHEREAS, Board Planner Kevin O'Brien, P.P., A.I.C.P., gave assistance to Mr. Reiner and advised the Planning Board on the Redevelopment process.

WHEREAS, pursuant to Statute, namely, N.J.S.A. 40A:12A-1, et. seq. the Planning Board conducted a public hearing at a meeting held on April 29th, 2024 in order to hear comments from the public and anyone else who might be affected by future action based upon the Preliminary Investigation Study; and

WHEREAS, at its meeting of April 29th, 2024, the Planning Board reviewed in detail the Preliminary Investigation Study prepared by Fran Reiner; testimony from Mr. Reiner; and comments from all interested parties with regard to the proposed designation; and

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF KENILWORTH PLANNING BOARD
UNION COUNTY, NEW JERSEY**

**AUTHORIZATION DIRECTING BOARD PLANNER, SHAMROCK ENTERPRISES,
LTD., TO CONDUCT A NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT STUDY**

**Approved: March 14th, 2024
Memorialized: March 14th, 2024**

WHEREAS, by Resolution 2024-082, dated February 21st, 2024, the Borough Council of the Borough of Kenilworth ("Borough") has directed the Planning Board of the Borough of Kenilworth ("Board"), to undertake a Preliminary Investigation to determine whether the proposed Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A 40A:12A-5 et seq. for the area commonly known as 2000 Galloping Hill Road, Borough of Kenilworth, County of Union, and more specifically designated as Block 181, Lot 1 on the Borough Tax Map; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Borough of Kenilworth, pursuant to the provisions of the Redevelopment and Housing Law, shall undertake a preliminary investigation of the Study Area and, in furtherance of such, hereby directs as follows:

1. Block 181, Lot 1 is designated as the "Study Area" under the Redevelopment and Housing Law.
2. Board Planner, Kevin O' Brien, P.P., of Shamrock Enterprises, Ltd., is directed to conduct a study of the applicability of the requirements of the Redevelopment Law to the "Study Area" in accordance with the proposal dated March 13, 2024, and report to the Planning Board with his findings no later than 15 days in advance of the June 13, 2024 meeting of the Board, or such other date as may be designated by the Board.
3. Shamrock Enterprises, Ltd., is authorized to consult with DMR Architects, a Planner contracted by the Borough Council on February 7, 2024.
4. Shamrock Enterprises, Ltd., is further authorized to seek the assistance of any Borough official necessary to prepare the Area in Need of Redevelopment Study.
5. The Board Secretary is authorized to provide notice for a public hearing on the Redevelopment Study for a meeting of the Board on June 13, 2024

Page 1

No. 2024-130

**RESOLUTION
KENILWORTH, NJ**

**RESOLUTION CONCURRING WITH THE PLANNING BOARD'S REDEVELOPMENT
INVESTIGATION REGARDING THE DELINEATED AREA OF BLOCK 181, LOT 1 (2000
GALLOPING HILL ROAD) AND DESIGNATING IT AS AN AREA IN NEED OF REDEVELOPMENT
FOR NON-CONDEMNATION PURPOSES**

WHEREAS, the Borough of Kenilworth (the "**Borough**") has a total area of 2.15 square miles, of which 106 acres comprise the Merck (previously Schering) Campus located at Block 181, Lot 1 (2000 Galloping Hill Road) on the official tax map of the Borough (the "**Property**"); and

WHEREAS, the Property served as the suburban corporate campus for the largest employer in Kenilworth and plays a vital role in the commercial growth and activity of the Borough; and

WHEREAS, in April 2020, Merck announced its intention to consolidate its New Jersey campuses into a single headquarters at its Rahway location; has already relocated the pilot plant, most of the laboratory space, and corporate offices from the Property; and is scheduled to completely vacate the Property by June 2025; and

WHEREAS, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (the "**LRHL**"), sets forth the criteria for a determination of whether a delineated area may be designated as an area in need of redevelopment; and

WHEREAS, the governing body authorized its pre-qualified planning consultant, DMR Architects ("**DMR**") to assist the Planning Board to conduct a preliminary investigation study of the Property (the "**Area of Investigation**") to determine if it qualifies as an "area in need of redevelopment" for non-condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and 40A:12A-3; and

WHEREAS, on February 21, 2024, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough adopted Resolution No. 2024-82 authorizing and requesting the Planning Board to undertake a preliminary redevelopment investigation to determine whether the Area of Investigation constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under the LRHL; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on April 29, 2024, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the Area of Investigation constitutes an area in need of redevelopment as that term is defined under the LRHL; and

WHEREAS, on April 29, 2024, Francis A. Reiner, LLA, PP, of DMR (the "**Planner**"), publicly presented a report titled "Preliminary Investigation for Non-Condensation Area in Need

of Redevelopment Designation” for the Area of Investigation dated April 2024 (the “**Investigation Report**”), which is attached hereto and made part hereof as **Exhibit A**; and

WHEREAS, the Investigation Report opines that the Area of Investigation evidences conditions and characteristics that qualify the same as an “area in need of redevelopment” because it satisfies criteria (b) and (h) of the LRHL under N.J.S.A. 40A:12A-5; and

WHEREAS, the Investigation Report demonstrates that 88.05% of the buildings in the Area of Investigation (measured by approximate square footage) previously used as an office park with office, manufacturing, and laboratory uses, have been vacant for at least two consecutive years, thus satisfying criterion (b) as an area in need of redevelopment; and

WHEREAS, the Investigation Report demonstrates that designation of the Area of Investigation for redevelopment is consistent with smart growth planning principles adopted pursuant to the State Development and Redevelopment Plan and the Municipal Land Use Law because the Area of Investigation is in the Metropolitan Planning Area where redevelopment is encouraged and is accessible to transportation and utility infrastructure and redevelopment can protect natural resources, promote more sustainable future development, encourage redevelopment of an obsolete corporate campus, promote public health, safety, morals and the general welfare, and meet the needs of New Jersey citizens, thus satisfying criterion (h) as an area in need of redevelopment; and

WHEREAS, on April 29, 2024, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation, at which; and

WHEREAS, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that the Property comprising the Area of Investigation constitutes an area in need of redevelopment under N.J.S.A. 40A:12A-5; and

WHEREAS, on April 29, 2024, the Planning Board received testimony from the Planner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, on April 29, 2024, the Planning Board also reviewed in detail the written summary and testimony of Board Planner Kevin O’Brien, PP, AICP of Shamrock Enterprises, Ltd.; and

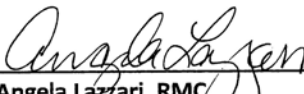
WHEREAS, in accordance with the Planner’s findings, the Planning Board recommended that the governing body of the Borough designate Block 181, Lot 1 (2000 Galloping Hill Road) (the “**Redevelopment Area**”) as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that this area meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, as follows:

1. The Mayor and Council hereby adopt the above recitals, findings of the Planning Board, and the Investigation Report attached hereto as **Exhibit A** prepared by the Planner as if set forth fully herein, therefore determining and hereby declaring that Block 181, Lot 1 (2000 Galloping Hill Road) is an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under N.J.S.A. 40A:12A-5.
2. Pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.
3. Pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the Redevelopment Area as those names are listed within the official Tax Assessor's records within 10 days of the adoption hereof.
4. Pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Borough Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission and address to which notice of this determination may be sent.
5. Pursuant to N.J.S.A. 40A:12A-7, DMR is hereby authorized and directed to begin preparation of a Redevelopment Plan for the Redevelopment Area to facilitate redevelopment of the Property and effectuate the purposes of the LRHL.
6. A certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Borough Clerk.
7. This Resolution shall become effective immediately upon adoption.

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on **May 15, 2024**.

	Moved	Seconded	AYE	NAY	ABSTAIN	ABSENT
BOYLE			✓			
FINISTRELLA			✓			
GIORDANO PICERNO		✓	✓			
MAURO			✓			
SCORESE			✓			
ZIMMERMAN	✓		✓			
MAYOR KARNOWITZ						


Angela Lazzari, RMC
 Borough Clerk

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF KENILWORTH PLANNING BOARD
UNION COUNTY, NEW JERSEY**

**AUTHORIZATION DIRECTING DMR ARCHITECTS TO CONDUCT A NON-
CONDEMNATION AREA IN NEED OF REDEVELOPMENT STUDY**

**Approved: April 11th, 2024
Memorialized: April 11th, 2024**

WHEREAS, by Resolution 2024-082, dated February 21st, 2024, the Borough Council of the Borough of Kenilworth ("Borough") has directed the Planning Board of the Borough of Kenilworth ("Board"), to undertake a Preliminary Investigation to determine whether the proposed Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A 40A:12A-5 et seq. for the area commonly known as 2000 Galloping Hill Road, Borough of Kenilworth, County of Union, and more specifically designated as Block 181, Lot 1 on the Borough Tax Map; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Borough of Kenilworth, pursuant to the provisions of the Redevelopment and Housing Law, shall undertake a non-condemnation preliminary investigation of the Study Area and, in furtherance of such, hereby directs as follows:

1. Block 181, Lot 1 is designated as the "Study Area" under the Redevelopment and Housing Law.
2. DMR Architects, and its planner, Francis Reiner, P.P., is directed to conduct a study of the applicability of the requirements of the Redevelopment Law to the "Study Area" and report to the Planning Board with his findings no later than 15 days in advance of the May 9, 2024 meeting of the Board.
3. DMR Architects, and its planner, Francis Reiner, P.P., is directed to present the Area in Need of Redevelopment Study at a noticed public hearing on April 29, 2024.
4. The Board authorizes and instructs DMR Architects to consult with the Board Planner, Kevin O'Brien, M.S., P.P., A.I.C.P., of Shamrock Enterprises, Ltd., who has been authorized separately by the Board to create a summary of the Study for the Board.
5. The Board Secretary is authorized to provide notice for a public hearing on the Redevelopment Study for a meeting of the Board on April 29, 2024 meeting, or for such other meeting date as shall be determined by the

Board, in compliance with the notice provisions of the Redevelopment Law and the Open Public Meetings Act.

6. The Planning Board shall thereafter report its findings to the Governing Body in the form of a Resolution, as per N.J.S.A 40A:12A-5 et seq.

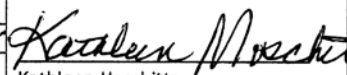
BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the appropriate newspaper, and to send a certified copy of this Resolution to the Borough Clerk, Borough Engineer, and the Borough Assessor and make same available to all other parties.

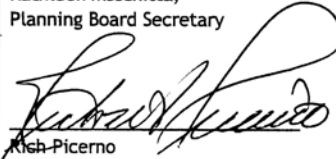
CERTIFICATION

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Kenilworth Planning Board, Union County, New Jersey, at a public meeting held on April 11th, 2024.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Linda Karlovitch							
Rich Picerno			✓			✓	
Gregg David			✓				
William Mauro			✓				
Larry Clementi			✓				
Nick Pantina			✓				
Frank Mazzeo			✓				
Anthony Laudati			✓				
Scuderi, Michael			✓				
Louis DeMondo	✓		✓				
Joseph Calello						✓	
Anthony Deluca			✓				
Steven Dunn			✓				
Tony Pugliese			✓				

I hereby certify that the above Resolution was adopted by the Planning Board of the Borough of Kenilworth at a Meeting held on April 11, 2024.


Kathleen Moschitta,
Planning Board Secretary


Rich Picerno
Planning Board Chairman

WHEREAS, at the Planning Board meeting of April 29th, 2024 Mr. Reiner testified in detail as to the existing conditions of the Study Area, and also analyzed the subject property and the statutory criteria required for the determination of a need for redevelopment; and

WHEREAS, the Planning Board also reviewed in detail Board Planner Kevin O'Brien's written summary and testimony; and

WHEREAS, at the conclusion of the public hearing, and after a review of the testimony and public comments and the contents of the Preliminary Investigation Study, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 et. seq. for designating the Study Area, Block 181, Lot 1, known as 2000 Galloping Hill Road, as a Non-Condernation Area In Need Of Redevelopment, in that said designation is necessary for the effective redevelopment of the Study Area; and

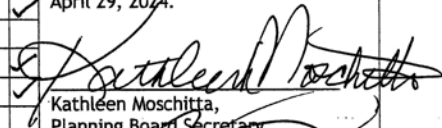
WHEREAS, given this conclusion the Planning Board refers this matter to the Borough Council for all appropriate action.

CERTIFICATION

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Kenilworth Planning Board, Union County, New Jersey, at a public meeting held on April 29th, 2020.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Linda Karlovitch						✓
Rich Picerno			✓			
Gregg David						
William Mauro			✓			
Larry Clementi	✓					
Nick Pantina			✓			
Frank Mazzeo			✓			
Anthony Laudati			✓			
Scuderi, Michael			✓			
Louis DeMondo						
Joseph Calello			✓			
Anthony Deluca		✓				
Steven Dunn						✓
Tony Pugliese			✓			

I hereby certify that the above Resolution was adopted by the Planning Board of the Borough of Kenilworth at a Meeting held on April 29, 2024.


Kathleen Moschitta,
Planning Board Secretary


Rich Picerno
Planning Board Chairman

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF KENILWORTH PLANNING BOARD
UNION COUNTY, NEW JERSEY**

**RECOMMENDATION DETERMINING THAT BLOCK 181, LOT 1, IS A NON-
CONDEMNATION AREA IN NEED OF REDEVELOPMENT, AND APPROVING THE
PRELIMINARY INVESTIGATION STUDY WITH A RECOMMENDATION TO THE
BOROUGH COUNCIL TO PROCEED WITH THE DETERMINATION OF THE NEED
OF REDEVELOPMENT AND TO AUTHORIZE THE REDEVELOPMENT PLAN,
PREPARATION AND ADOPTION**

**Approved: April 29th, 2024
Memorialized: April 29th, 2024**

WHEREAS, by Borough Council Resolution 2024-82, adopted on February 21st, 2024 the preparation of a Preliminary Investigation Study was authorized regarding the determination of an area of land as a Non-Condemnation Area In Need Of Redevelopment identified on the Borough of Kenilworth Tax Maps as Block 181, Lot 1, known as 2000 Galloping Hill Road; and

WHEREAS, the Planning Board was directed to commence, with the assistance of a licensed professional planner, in the preparation of a Preliminary Investigation Study of said designated area. The subject property has a lot area of approximately 108 acres, and is located in an Office Research zone on the eastern edge of the Borough of Kenilworth, adjacent to the Township of Union. The Study Area is east of the Garden State Parkway Exit 138 and south of Galloping Hill Road; and

WHEREAS, said Preliminary Investigation Study was prepared by Fran Reiner, P.P., A.I.C.P., Of DMR Architects, and was set forth in the attached Planning Report; and

WHEREAS, Board Planner Kevin O'Brien, P.P., A.I.C.P., gave assistance to Mr. Reiner and advised the Planning Board on the Redevelopment process.

WHEREAS, pursuant to Statute, namely, N.J.S.A. 40A:12A-1, et. seq. the Planning Board conducted a public hearing at a meeting held on April 29th, 2024 in order to hear comments from the public and anyone else who might be affected by future action based upon the Preliminary Investigation Study; and

WHEREAS, at its meeting of April 29th, 2024, the Planning Board reviewed in detail the Preliminary Investigation Study prepared by Fran Reiner; testimony from Mr. Reiner; and comments from all interested parties with regard to the proposed designation; and

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF KENILWORTH PLANNING BOARD
UNION COUNTY, NEW JERSEY**

**AUTHORIZATION DIRECTING BOARD PLANNER, SHAMROCK ENTERPRISES,
LTD., TO CONDUCT A NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT STUDY**

**Approved: March 14th, 2024
Memorialized: March 14th, 2024**

WHEREAS, by Resolution 2024-082, dated February 21st, 2024, the Borough Council of the Borough of Kenilworth ("Borough") has directed the Planning Board of the Borough of Kenilworth ("Board"), to undertake a Preliminary Investigation to determine whether the proposed Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A 40A:12A-5 et seq. for the area commonly known as 2000 Galloping Hill Road, Borough of Kenilworth, County of Union, and more specifically designated as Block 181, Lot 1 on the Borough Tax Map; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Borough of Kenilworth, pursuant to the provisions of the Redevelopment and Housing Law, shall undertake a preliminary investigation of the Study Area and, in furtherance of such, hereby directs as follows:

1. Block 181, Lot 1 is designated as the "Study Area" under the Redevelopment and Housing Law.
2. Board Planner, Kevin O' Brien, P.P., of Shamrock Enterprises, Ltd., is directed to conduct a study of the applicability of the requirements of the Redevelopment Law to the "Study Area" in accordance with the proposal dated March 13, 2024, and report to the Planning Board with his findings no later than 15 days in advance of the June 13, 2024 meeting of the Board, or such other date as may be designated by the Board.
3. Shamrock Enterprises, Ltd., is authorized to consult with DMR Architects, a Planner contracted by the Borough Council on February 7, 2024.
4. Shamrock Enterprises, Ltd., is further authorized to seek the assistance of any Borough official necessary to prepare the Area in Need of Redevelopment Study.
5. The Board Secretary is authorized to provide notice for a public hearing on the Redevelopment Study for a meeting of the Board on June 13, 2024

meeting, or for such other meeting date as shall be determined by the Board, in compliance with the notice provisions of the Redevelopment Law and the Open Public Meetings Act.

6. The Planning Board shall thereafter report its findings to the Governing Body in the form of a Resolution, as per N.J.S.A 40A:12A-5 et seq.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the appropriate newspaper, and to send a certified copy of this Resolution to the Borough Clerk, Borough Engineer, and the Borough Assessor and make same available to all other parties.

CERTIFICATION

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Kenilworth Planning Board, Union County, New Jersey, at a public meeting held on March 14th, 2024.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Linda Karlovitch						✓
Rich Picerno				✓		
Gregg David				✓		
William Mauro		✓				
Larry Clementi				✓		
Nick Pantina				✓		
Frank Mazzeo	✓			✓		
Anthony Laudati					✓	
Scuderi, Michael				✓		
Louis DeMondo				✓		
Joseph Calello					✓	
Anthony DeLuca				✓		
Steven Dunn				✓		
Tony Pugliese						

I hereby certify that the above Resolution was adopted by the Planning Board of the Borough of Kenilworth at a Meeting held on March 14, 2024.

Kathleen Moschitta
Kathleen Moschitta,
Planning Board Secretary

Rich Picerno
Rich Picerno
Planning Board Chairman

APPENDICES

EXISTING OR OFFICE RESEARCH ZONE DISTRICT

8/7/24, 1:27 PM

Borough of Kenilworth, NJ OR Office Research Zone District.

*Borough of Kenilworth, NJ
Wednesday, August 7, 2024*

Chapter 120. Land Use

Part 3. Zoning

Article 23. Zone District Regulations

§ 120-23.7. OR Office Research Zone District.

- A. Purpose. The purpose of the OR Office Research Zone is to provide for the expansion and development of land uses for research, engineering, product development, manufacturing and related executive and administrative offices in the Borough, to provide for a compatible relationship with abutting land uses, and to provide for the safe and efficient flow of vehicles to and from the office-research areas.
- B. Permitted uses. In the OR District, only the following uses shall be permitted, except as provided in Subsections C and D. Principal uses which are substantially similar to the listed principal uses shall be permitted uses.
- (1) Research laboratories.
 - (2) Pilot manufacturing plants.
 - (3) Manufacturing facilities.
 - (4) General, administrative, executive and business offices.
 - (5) Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.
- C. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted, provided they meet the lot, height and yard requirements for principal uses in the zone:
- (1) Parking garages, parking structures and surface parking.
 - (2) Gatehouses and security structures.
 - (3) Services and facilities for the exclusive use of employees, including indoor and outdoor recreational facilities, cafeterias and outdoor seating areas, health care centers, credit unions, and laundry and dry-cleaning facilities.
 - (4) Day-care centers primarily for the use of employees.
 - (5) Helistops.
 - (6) Equipment used for transmitters and receiving radio and electromagnetic waves, including parabolic antennas.
 - (7) Generators.
 - (8) Warehousing and storage of materials associated with the above principal uses.

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- (9) Signs as regulated in Article 31.
- (10) Other accessory uses and structures customarily subordinate and incidental to permitted principal and/or permitted conditional uses.
- (11) Fences no more than eight feet high, which may be topped by no more than two feet of barbed wire.
- D. Conditional uses. The following uses and structures shall be permitted in the OR Zone District only if they comply with the appropriate regulations for such uses or structures in this chapter:
 - (1) Public utility facilities.
 - (2) Certain telecommunications antennas as set forth in Article 28.
- E. Prohibited uses and structures. Any use or structure other than those uses or structures permitted in Subsection A, B, C or D above is prohibited. The following uses are specifically prohibited in the OR zone:
 - (1) All residential uses, except that sleeping quarters for custodial or security personnel may be provided for.
 - (2) All retail uses, except those provided for the exclusive use of employees and their guests, as provided for herein.
 - (3) The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.
[Added 6-9-2021 by Ord. No. 2021-06]
- F. Area, yard and building dimensions. In the OR Zone District, the following dimensional requirements shall apply:
 - (1) Minimum lot dimensions:
 - (a) Area: 10,000 square feet.
 - (b) Frontage: 100 feet.
 - (2) Minimum yard setbacks:
 - (a) Front: 40 feet.
 - (b) Rear: 25 feet.
 - (c) Side: 15 feet. If the side property line is adjacent to a residential zone, a minimum of 15 feet is required to be heavily landscaped.
 - (3) Maximum building dimensions:
 - (a) Building height: 40 feet and three stories, except as allowed in § 120-22.8.
 - (b) Lot coverage.
 - [1] Twenty-five percent for buildings.
 - [2] Seventy-five percent for impervious cover.
 - [3] Twenty-five percent for open space, landscaping and buffer. Landscaped areas shall be planted with lawn, shrubs, hedges, flowering plants or trees.
 - [4] Maximum floor area ratio. The total habitable floor area of all buildings or structures on any lot shall not be more than 125% of the total lot area.