

**AMENDMENT TO THE NORTH
BRUNSWICK MASTER PLAN**

**MASTER PLAN AMENDMENT ALLOWING
LARGE RETAIL ESTABLISHMENTS IN THE
K. HOVNANIAN COMMERCE CENTER**

TOWNSHIP OF NORTH BRUNSWICK PLANNING BOARD

ADOPTED FEBRUARY 18, 2010

MASTER PLAN AMENDMENT ALLOWING LARGE RETAIL ESTABLISHMENTS IN THE K. HOVNIANIAN COMMERCE CENTER

The K. Hovnianian Commerce Center, located on southbound Rt. 1 between Aaron Road and Elizabeth Street, was designated for mixed use development as a result of litigation a number of years ago. At the time the litigation was settled, it was determined that no single commercial user, other than a supermarket, could exceed 50,000 square feet in area. This standard was incorporated into the Township's zoning ordinance.

However, the Planning Board recently adopted an amendment to the Master Plan that recommends the creation of an overlay zone that will allow for a transit village that incorporates large retail establishments as a major component to be developed on the former J & J property which is located directly across from Rt. 1 from the K. Hovnianian Commerce Center.

Prior to allowing for the development of large retail establishments, the Planning Board retained a traffic consultant to determine what traffic improvements would have to be accomplished in order to accommodate the traffic to be generated by several large retail establishments on the J & J site, as well as one large retail establishment in the K. Hovnianian Commerce Center. Both TOD Associates and Prestige Properties, owners of lands on both sides of the highway, contributed to the cost of the traffic study.

The Planning Board determined that it was not reasonable to expect the Township to rezone the NBTOD property to accommodate a rail station and transit village which includes substantial large retail establishments, unless all of the infrastructure improvements necessary to improve mobility can be accommodated in a timely fashion to ensure that travel times post-development are an improvement over travel times pre-development.

The Planning Board determined that the timing of off-tract roadway improvements must be coordinated and constructed simultaneously with construction of these large retail establishments in order to assure that the project will at no time during its build-out result in a deterioration of existing traffic conditions adjacent to the site.

The traffic study recommends roadway improvements that should be made to roadways and intersections in close proximity to the proposed large retail establishments in order to bring about an improvement to existing traffic and reduce travel delays.

Based upon the findings of the traffic study, the Planning Board recommends that zoning regulations be amended to allow for the development of large retail establishments in the Transitional Mixed Use Zone, subject to the implementation of roadway improvements that will address all anticipated traffic impacts.

As with the former J & J property located across Rt. 1 from the K. Hovnanian Commerce Center, said zoning should require that the option to develop a large retail development on the site should only apply if necessary roadway improvements incorporated in the Maser traffic study are incorporated into the development. The Planning Board should determine, based upon the proposed timing of the development of a large retail establishment on the K. Hovnanian Commerce Center, whether the recommended roadway improvements need to be constructed prior to issuance of a Certificate of Occupancy, or whether providing the funding for the developer's proportionate share of the cost should be sufficient to receive a Certificate of Occupancy.

The Maser traffic study has identified the traffic impacts of both the proposed transit village located on the former J & J site, as well as a proposed 110,000 square foot large retail establishment in the K. Hovnanian Commerce Center, upon Cozzens Lane, Adams Lane, Commerce Boulevard and Aaron Road. While there are existing traffic delays at each of these intersections with Rt. 1 today, the Planning Board has determined that it is appropriate to rezone properties on both sides of the highway to accommodate large retail establishments only upon each developer incorporating into their development those traffic improvements identified in the Maser study. Prior roadway improvements accomplished in the past by the developers of the K. Hovnanian Commerce Center will not be taken into consideration in determining the contribution toward roadway improvements required to address traffic resulting from large retail establishments

In order for Rt. 1 and the associated intersections to properly accommodate the traffic from proposed large retail developments, each such development shall be required to either construct or contribute toward the construction of the improvements identified in the Maser study.

As with the former J & J site across the highway, the Planning Board is also concerned about the aesthetics of the large retail establishments. The November 12, 2009 Master Plan amendment discusses typical uninspiring design features that should be discouraged through development standards. Given the large number of residential units in close proximity to the proposed site, it is recommended that most of the development standards proposed for

the former J & J site should be applicable to the K. Hovnanian Commerce Center.

To summarize, the Planning Board is recommending that large retail establishments be permitted in the Transitional Mixed Use Zone under the express understanding that the developer of said large retail establishment either constructs or contributes his fair share toward the construction of all traffic improvements identified in the Maser traffic study as being needed to accommodate the propose large retail establishment.