

# REDEVELOPMENT PLAN FOR 475 TERRILL ROAD



**475 Terrill Road**

Block 204, Lot 5

Township of Scotch Plains  
Union County, New Jersey



January 2022

# PREPARED BY

## HARBOR CONSULTANTS

Michael Mistretta, PP, LLA  
Amanda Luchun

320 North Avenue East  
Cranford, NJ 07016  
Phone: 908-276-2715



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*Project Number: 2021014.004A*

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

A handwritten signature in black ink, appearing to read "Mistretta".

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Michael Mistretta, PP #00575900

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## **EXHIBITS**

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- 1. Alta/NSP Land Title Survey prepared by Control Point Associates, Inc., dated June 4, 2021, consisting of two (2) sheets.
- 2. Concept Plan prepared by Bohler Engineering, dated June 28, 2021 and revised October 29, 2021, one (1) sheet.
- 3. Architectural Building Elevations prepared by gk+a architects, dated November 1, 2021, consisting of one (1) sheet.
- 4. Proposed Floor Plan for QuickChek Building prepared by gk+a architects dated October 27, 2021, consisting of four (4) sheets.

## APPENDICES

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1. Scotch Plains Township Council Resolution No. 2019-61, dated February 19, 2019, directing the Scotch Plains Planning Board to undertake a Preliminary Investigation for the possible redevelopment of Block 204, Lot 5 as shown on the Township of Scotch Plains Tax Map.
2. Planning Board Interoffice Memorandum dated March 14, 2019, describing that “On February 19, 2021, the Township Council adopted Resolution 2019-61 authorizing the Planning Board to undertake a preliminary investigation to determine whether the proposed study area, namely Block 204, Lot 5, qualifies as an area in need of redevelopment. At the Planning Board meeting of March 11, 2019, the Board considered and voted unanimously to endorse the resolution.”
3. Scotch Plains Township Council Resolution No. 2021-71, dated February 16, 2021 Authorizing the Township of Scotch Plains Planning Board to Undertake a Preliminary Investigation for the possible redevelopment of Block 204, Lot 5 as shown on the Township of Scotch Plains Tax Map.
4. Planning Board Interoffice Memorandum, dated March 12, 2021, describing that “On February 16, 2021, the Township Council adopted Resolution 2021-71 authorizing the Planning Board to undertake a preliminary investigation to determine whether the proposed study area, namely Block 204, Lot 5, qualifies as a Non-Condemnation area in need of redevelopment. At the Planning Board meeting of March 8, 2021, the Board acknowledged receipt of the assignment and unanimously accepted that the Board Planner will investigate and later report.”
5. Scotch Plains Township Council Resolution No. 2021-145, dated July 20, 2021, designating 475 Terrill Road as a non-condemnation area in need of redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-1, et seq. (the “LRHL”) and authorizing the Township Planner to prepare a redevelopment plan for said property.
6. Letter from the New Jersey Department of Community Affairs (DCA) dated August 5, 2021.
7. Deed Vacating a portion of Edwin Place and/or Croyden Place between the Township of Scotch Plains and Jade Isle Corp, recorded in the Union County Deed Book 5722, Page 205.

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## **SECTION 1: INTRODUCTION**

### **1.1 STATUTORY BASIS FOR THE REDEVELOPMENT PLAN**

The Township of Scotch Plains is evaluating the need for the redevelopment of the property Block 204, Lot 5 and has authorized a study be performed to determine whether the property satisfies the statutory criteria pursuant to N.J.S.A. 40A:12A-6(b)(1) of the Local Redevelopment and Housing Law.

On February 19, 2019, the Scotch Plains Township Council adopted Resolution No. 2019-61, directing the Scotch Plains Township Planning Board to conduct the necessary Preliminary Investigation, including the holding of a public hearing, to determine whether the study area known as Block 204, Lot 5, as shown on the Scotch Plains Township Tax Map is or is not an area in need of redevelopment, under the criteria set forth in N.J.S.A. 40A:12A-1 et seq. The resolution stated that “the redevelopment area determination shall authorize the Township of Scotch Plains to use all of the powers provided by the Legislature for use in a redevelopment area including the use of eminent domain, thus designating it as a ‘Condemnation Redevelopment Area.’” A copy of the Resolution adopted by the Township Council is contained in the Appendix of this report.

On March 11, 2019, the Planning Board considered and voted unanimously to endorse Township Council Resolution No. 2019-61 and subsequently Harbor Consultants, Inc. was directed by the Planning Board to begin preparations for the study. A redevelopment study including the use of eminent domain was never completed.

On February 16, 2021, the Township Council of Scotch Plains adopted Resolution 2021-71 authorizing the Planning Board to undertake a new preliminary investigation to determine whether the proposed study area qualifies as a non-condemnation area in need of redevelopment. At the Planning Board meeting of March 8, 2021, the Board unanimously accepted that the Board Planner will investigate, and Harbor Consultants was directed to complete the study. A copy of both the memorandum and the resolution are contained in the Appendix of this report.

The Planning Board heard and discussed the “Preliminary Investigation Report For 475 Terrill Road Redevelopment Study as a ‘Non-Condensation Area in Need of Redevelopment,’” dated June 2021, at a properly noticed public hearing on July 19, 2021, where the public and other interested persons were given the opportunity to be heard. At the conclusion of the public hearing, the Scotch Plains Township Planning Board determined that the Study Area was “a non-condemnation area in need of redevelopment.”

On July 20, 2021, the Township Council adopted Resolution No. 2021-145 for Block 204, Lot 5 as shown on the Tax Map of the Township of Scotch Plains as a “non-condemnation area in need of redevelopment” and “authorizes and directs the Planning Consultant to prepare a redevelopment plan for the Study Area pursuant to the requirements of N.J.S.A. 40A:12A-7 (the “Redevelopment Plan”) for introduction to the Township Council prior to referral of such Redevelopment Plan to the Planning Board pursuant to N.J.S.A. 40A:12A-7(e).” This report has been prepared for the consideration of the Township.

The Township has received a letter from the New Jersey Department of Community Affairs (DCA) dated August 5, 2021, which states “The DCA received the above-referenced resolution on July 26,

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2021. The determination area is situated where development and redevelopment are encouraged pursuant to State law or regulation. Accordingly, pursuant to N.J.S.A. 40A:12A-6b(5)(c), the redevelopment area determination took effect after transmission to the Commissioner of DCA.” A copy of the letter is in the Appendix of this report. Copies of the Resolutions adopted by the Township Council are contained in the Appendix of this report.

### 1.2 DESCRIPTION OF THE REDEVELOPMENT AREA

The 475 Terrill Road Redevelopment Area, or the “Study Area”, consists of one (1) parcel identified as Block 204, Lot 5. Based on a survey prepared by Control Point Associates, Inc., the Study Area is approximately 75,509 square feet (1.733 acres). The property is a corner lot bounded to the south by Terrill Road, to the east by East Second Street, to the west by Block 203, Lot 3 and to the north by Block 204, Lot 4. The redevelopment area is located in the northwestern portion of the Township along the municipal border with the City of Plainfield.



Figure B – Aerial Map of Redevelopment Area

<b>Table 1: 475 Terrill Road Redevelopment Study Area Township of Scotch Plains, Union County, New Jersey</b>			
<b>Owner</b>	<b>Street Address</b>	<b>Block and Lot</b>	<b>Lot Area</b>
JADE ISLE HOLDING CORP	475 Terrill Road	Block 204, Lot 5	1.733 +/- Acres
<b>Total Area of Redevelopment Plan Area</b>			<b>1.733 +/- Acres</b>
*Information shown is from ALTA/NSPS Land Title Survey for Block 204, Lot 5 prepared by Control Point Associates, Inc., on June 4, 2021.			

Topographic USGS mapping shown in *Figure C* reflects a general conformity of the site in terms of elevation. The site and area surrounding the site have been previously disturbed and are generally flat. There are environmental encumbrances that affect the Redevelopment Area, including FEMA Flood Hazard Area designations as depicted on *Figure D*. The majority of the site is located in the “0.02% Annual Chance of Flood Hazard” Zone or 500-year storm Flood Hazard Area. The redeveloper shall adhere to design measures required of new construction under the New Jersey Department of Environmental Protection (NJ DEP) Flood Hazard Area Control Act Rules (N.J.A.C. 7:13).



*Figure C – Topographic Map of the Redevelopment Area*



*Figure D – Flood Hazard Zone Map of the Redevelopment Area*

The major findings of the Preliminary Investigation report of the study area dated June 2021 focused on the overall obsolete layout of the property and significant presence of paved area which may contribute to future flooding and pooling of water. No stormwater management system exists on the site.

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### 1.3 EXISTING IMAGERY OF THE REDEVELOPMENT AREA

A field survey of the Redevelopment Area was conducted to determine the existing land use and its overall condition. The photographs contained within this Report were taken on April 21, 2021.



*Picture 1 – Front of existing commercial structure facing inner parking lot.*



*Picture 2 – Entrance and walkway of existing commercial structure fronting on Terrill Road.*



*Picture 3 – Accessory Structure behind existing building along rear lot line.*



*Picture 4 – Rear elevation of existing commercial building.*



*Picture 5 - Degraded macadam at the ingress on Terrill Road.*



*Picture 6 – Existing frontage on Terrill Road.*



*Picture 7 – Existing East Second Street frontage.*



*Picture 8 – Ingress/Egress on East Second Street.*

## **SECTION 2: THE PUBLIC PURPOSE**

### **2.1 ADOPTION OF A REDEVELOPMENT PLAN**

In accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-7: No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or both, according to criteria set forth in section 5 or section 14 of P.L. 1992, c. 79 (C40A:12A-5 or 40A:12A-14), as appropriate.

The Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- (1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- (2) Proposed land uses and building requirements in the project area.
- (3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- (4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- (5) Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous municipalities; (b) the master plan of the County in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c. 398 (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 public electric vehicle 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 Township, unless otherwise noted, and 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 amendment thereof.

All provisions of a 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.

## 2.2 REDEVELOPMENT GOALS & OBJECTIVES

The goals and objectives of the Redevelopment Plan are listed below. These goals and objectives have been compiled for the purpose of describing the broad intent of the Township in adopting this Redevelopment Plan and to provide a basis for the preparation of the development standards set forth herein.

- Redevelop a property which has been found to be an area in need of redevelopment and satisfy certain criteria of the Local Redevelopment and Housing Law;
- Revitalize a commercial corridor in Scotch Plains that will contribute to the overall commercial vitality of the region;
- Provide for and encourage economic development leading to new tax ratables; new jobs; and growth opportunities to the benefit of the Scotch Plains community;
- Provide sufficient off-street parking spaces and internal vehicular circulation to serve the Redevelopment Plan property;
- Create a set of design standards for the Downtown that will provide for consistent streetscape design, safe pedestrian and/or bicycle access, architectural themes, signage requirements, Complete Streets strategies (Scotch Plains Township Resolution 2018-34), and others;
- Incorporate green building technologies and resiliency planning techniques such as flood mitigation measures, into the building and site design that would further the goals and objectives of S2607, which amended Section 19 of P.L. 1975, c.291 (C.40:55D-28), which requires the land use plan element of municipal master plans to include climate change-related hazard vulnerability assessment.

### 2.3 RELATIONSHIP TO LOCAL OBJECTIVES

The Township of Scotch Plains 2001 Master Plan, prepared by Kimball & Kimball, was adopted by the Planning Board on June 18, 2001. Subsequently, two Reexamination reports have been adopted since, the first of which was prepared by Mary M. Moody, AICP, P.P. and adopted on February 26, 2007; and more recently, the second of which was prepared by Joseph E. Doyle, Chairman of the Master Plan Review Committee, and adopted on December 12, 2016. Additionally, the 1994 Master Plan Reexamination Report, prepared by Moskowitz, Heyer, & Gruel, was included in this review because of its attention to the Commercial Business District and a corresponding Action Plan and Downtown Design Standards. In order to further understand the benefits and effects that redeveloping the Redevelopment Plan Properties would have on the Township, this Redevelopment Plan report evaluates how redevelopment relates to previous Township planning documents and their recommendations.

### 2.4 MASTER PLAN GOALS & OBJECTIVES

#### 1. **Township of Scotch Plains 2001 Master Plan**

The 2001 Master Plan made a specific note that “a number of major themes, however, distinguish this plan from previous township Master Plans”, including “The potential for redevelopment is explored and policies addressing new land uses are established”.<sup>1</sup> Additionally, it identifies one of the Major Planning Issues since 1976 is that, “Since most of the vacant land in the township has been developed, the planning focus in the community is shifting toward infill sites or areas with potential for redevelopment”.<sup>2</sup> The goals and objectives of the 2001 Master Plan clearly establish Redevelopment as a means of future development in light of the built-out nature of the Township in the early 2000s. More specifically, under the section to “Provide Opportunities for and Encourage Redevelopment for Specific Uses in Designated Areas”, the Master Plan provides the following guidelines:

*“(1) Permitted uses should be compatible with the goal of preserving the established residential character of the township and other goals of this Master Plan; (2) Redevelopment opportunities should represent high quality development that can be achieved in a manner that may improve environmental quality, lessen flooding, avoid traffic congestion and promote proper circulation; (3) Redevelopment plans should be targeted to specific areas so as to avoid blight and abandonment of developed properties”.*

#### 2. **2007 Master Plan Reexamination Report adopted February 26, 2007**

The 2007 Master Plan Reexamination Report identified which major planning issues and goals of the 2001 Master Plan remained valid, including that “Since most of the vacant land in the Township has been developed the planning focus in the community is shifting toward infill sites or areas with potential for redevelopment”.<sup>3</sup> The 2007 Reexamination Report directly echoes the goals and

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<sup>1</sup> Township of Scotch Plains 2001 Master Plan, prepared by Kimball & Kimball, June 18, 2001, p. 1.

<sup>2</sup> *Ibid*, p. 4.

<sup>3</sup> Township of Scotch Plains 2007 Master Plan Reexamination Report, prepared by Mary M. Moody, AICP, P.P., Feb. 26, 2007.

objectives related to redevelopment listed in the 2001 Master Plan. The 2007 Report does elaborate on “infill development”, noting that:

*“The challenge related to the infill residential developments comes with the fact that the current infill developments fit like a missing puzzle piece within a larger developed puzzle of an existing, residential neighborhood. The infill developments pose a balancing complexity of protecting and enhancing the character of the existing neighborhood, creating an appropriate infill development concept, while not strangling the redevelopment process, nor denying the rights of the developer with the ramification of over-regulation”.*<sup>4</sup>

**3. 2016 Master Plan Reexamination Report adopted December 12, 2016**

The 2016 Master Plan Reexamination Report identified additional major planning issues that occurred since the previous Master Plan and Master Plan Reexamination Reports. The 2016 Reexamination Report notes that steps had been taken in furthering the goal that “since most of the vacant land in the Township has been developed the planning focus in the community is shifting toward infill sites or areas with potential for redevelopment”.<sup>5</sup> More specifically, “the Township continues to explore means to enhance the Central Business District”. In re-examining the goals related to the central business district from 2001, the re-examination report found that:

*“Major institutional community facilities should remain in or very close to the CBD and any renovation, redevelopment or new community facilities should be undertaken consistent with the pedestrian orientation and scale of the CBD.”*

**4. 2018 Master Plan Reexamination Report adopted August 27, 2018.**

The Township’s 2018 Housing Element & Fair Share Plan (HE&FSP) was prepared to address the Township’s third round affordable housing obligation and settlement with the Fair Share Housing Center. One of the mechanisms to address the Township’s third round unmet need was to adopt an overlay zone covering the Township’s downtown. Due to the overall size of the downtown area, the downtown overlay zones were broken down into three phases and six tiers. The subject property is located in Tier 3, Phase 6 of the affordable housing overlay zone districts.

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<sup>4</sup> *Ibid*, pg. 9.

<sup>5</sup> Township of Scotch Plains 2016 Master Plan Reexamination Report, prepared by Joseph E. Doyle, Dec. 12, 2016.

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## 2.5 RELATIONSHIP TO THE LAND USE PROCEDURES ORDINANCE

The Redevelopment Plan Area is located within the B-2 Business Zone District, as depicted on the Township of Scotch Plains Zone Map (Figure E). The plan area is also located within the Tier 3, Phase 6 Inclusionary Overlay Zone District regulated by Ordinance no. 2020-11.

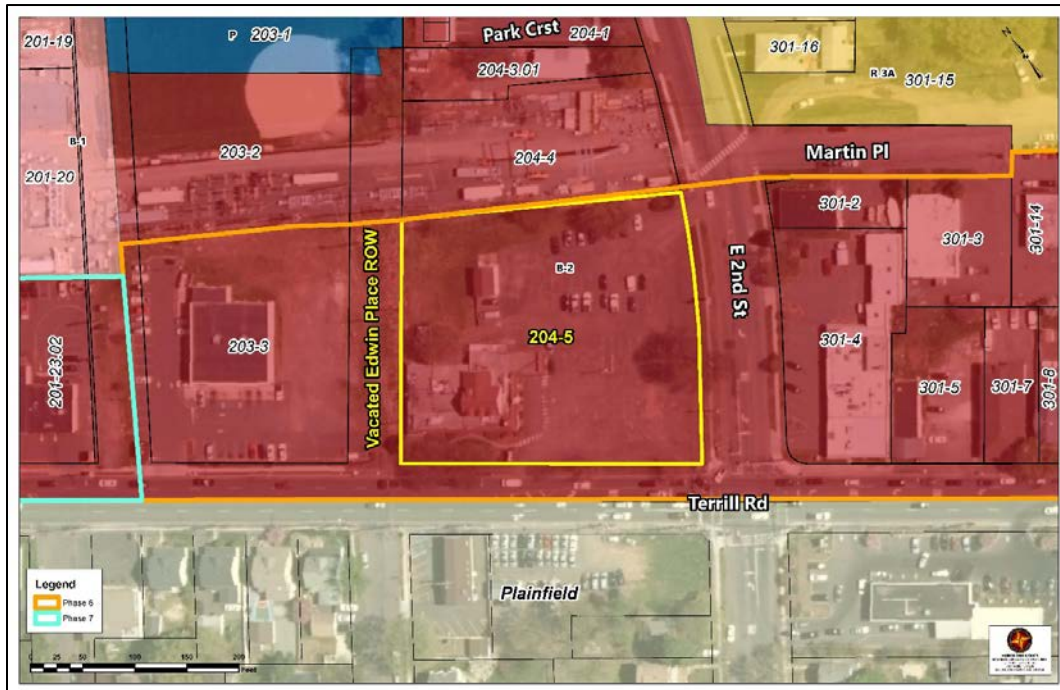


Figure E - Zone Map of the Redevelopment Area

The following table outlines the bulk requirements of the B-2 Zoning District:

Description		Requirements
Interior Lots	Area (sf)	None
	Width (ft)	None
Corner Lot	Area (sf)	None
	Width (ft)	None
Min. Front Yard Setback (ft)		10 feet
Min. Side Yard Setback (Corner Lot) (ft)		10 feet
Min. Side Yard Setback (ft)		None
Min. Side Yard Setback (both sides) (ft)		None
Min. Rear Yard Setback (ft)		30 feet
Max. Building Coverage (%)		None
Max. Lot Coverage (%)		n/a
Max. Number of Stories (#)		3 stories
Max. Height (ft)		45 feet (1)
(1) – Amended by Ordinance No. 2016-19§ 5		

§ 23-3.11 B-2 Business Zone.

a. *Permitted Primary Uses.*

1. Retail business establishments limited to the following:

- (a) Hardware, paint, glass and wallpaper stores.
- (b) Department stores and variety stores.
- (c) Dry goods store.
- (d) Retail bakeries, grocery stores and dairy stores and other similar food establishments.
- (e) Apparel and accessories stores.
- (f) Furniture, home furnishings and equipment stores.
- (g) Radio, television, and music stores.
- (h) Restaurants.
- (i) Drug stores.
- (j) Antique stores.
- (k) Liquor stores.
- (l) Book and stationery stores.
- (m) Jewelry stores.
- (n) Florist stores.
- (o) Cigar stores and news dealers.
- (p) Camera, photographic supply, and art supply stores.
- (q) Gift, novelty, and souvenir stores.
- (r) Sporting goods, bicycle, and hobby stores.
- (s) Optical goods stores.
- (t) Luggage and leather goods stores.
- (u) Take-out food establishments.

2. Personal service establishments limited to the following:

- (a) Banks and fiduciary institutions.
- (b) Credit agencies.
- (c) Security and commodity brokers.
- (d) Real estate and insurance offices.
- (e) Holding and investment company offices.
- (f) Laundry and dry-cleaning stores.
- (g) Photographic studios.
- (h) Barber and beauty shops.
- (i) Shoe repair shops.
- (j) Garment pressing alteration and repair shops.

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- (k) Miscellaneous repair services other than automotive.
  - (l) Motion picture theaters - except outdoor.
  - (m) Martial art studios, gymnastic schools, fitness centers, dance studios and schools, performing arts centers, art schools, and the like.
  - (n) Medical and health services, excluding veterinarian services.
  - (o) Legal services.
  - (p) Engineering and architectural services.
  - (q) Accounting and bookkeeping services.
  - (r) Business offices.
3. Municipal parks, playgrounds, buildings and uses deemed appropriate and necessary by the township council.
- b. *Permitted Secondary Uses.*
- 1. Off-street parking facilities for the use of customers and employees.
  - 2. Garage space for the storage of commercial vehicles used in conjunction with a permitted business provided, however, that any commercial vehicles stored and garaged on the premises shall be clearly incidental and subordinate to the business conducted thereon. By way of example, but not of limitation, a trucking or hauling business may not store its commercial vehicles on a lot with its business office in this zone.
  - 3. Signs, in accordance with subsection 23-3.4b.
  - 4. Apartments shall be permitted on both the second and third floors of existing and new commercial structures, with all means of ingress and egress being separate and distinct from the principal use(s) on the first floor of said structures. There shall be no mixed uses (apartments and offices) on either the second or third floors of said structures.
  - 5. Propane filling and exchange stations, used in conjunction with permitted uses as listed in subsection 23-3.11 a, 1(a),(b),(d),(f),(k), and (r), and 2(k) and c, 2. All propane filling and exchange stations shall comply with standards listed in N.J.A.C. 5:18 and the NFPA, and must apply for and obtain an annual zoning permit as provided in subsection 23-2.3t.
- c. *Conditional Uses* (subject to the conditions of Section 23-5).
- 1. Any conditional use as specified in subsection 23-3.5c.
  - 2. Motor vehicle service establishments.
- d. *Other Provisions and Requirements.*
- 1. Truck loading and unloading facilities shall be provided on the property in other than the front yard area in sufficient amount to permit the transfer of goods in other than a public street.
  - 2. Wherever a use in this zone is on a lot which abuts a residence zone or P Public Zone, a ten-foot-wide landscaped buffer area shall be provided adjacent to the residence zone boundary in a manner approved by the approving authority. Such buffer area shall be suitably planted and maintained with landscaping materials of such species and sizes so as to preclude any detrimental effect upon the adjacent residence zone.
  - 3. Off-street parking space for the use of customers and employees shall be provided as follows (this required parking may be considered to be met by an adjoining public parking

facility subject to the determination by the approving authority that there is sufficient available capacity).

- (a) Retail business uses - one space for each 200 square feet of gross floor area.
  - (b) Personal and business service establishments - one space for each 200 square feet of gross floor area.
  - (c) Professional and business offices - one space for each 200 square feet of gross floor area.
  - (d) Restaurants - one space for each three seats plus one space for each two employees.
  - (e) Theaters and other similar places of public assembly - one space for each three persons of permitted occupancy.
  - (f) Apartments over commercial establishments - Off-street parking facilities shall be provided at the rate of one and one-half spaces for each apartment unit. All off-street parking spaces shall be located behind the front building line. Parking facilities required for the commercial use shall not be deemed to satisfy this requirement.
4. First floor facades of newly constructed buildings shall provide at least 75% transparency. Rear facades of newly constructed buildings shall provide at least 50% transparency. First floor ceiling elevation shall have a minimum of 15 feet of clear ceiling height.
5. In any building containing primary and secondary uses, the parking for the primary and secondary uses located on the ground level that is located under the building's upper levels shall be a permitted primary use provided that:
- (a) The parking is located to the rear or side of the primary use on the ground level.
  - (b) The parking is enclosed with a wall that is at least 40 inches in height and the exterior of the wall is constructed with the same building materials and architectural design as the main portion of the front building elevation.
  - (c) The primary use on the ground level shall meet the requirements under Subsection 23-3.11d6.
6. In any building containing primary and secondary uses, the gross floor area of the primary use on the ground level shall be at least 1/3 of the total gross floor area of the secondary uses in the building.

(Ord. #77-10; Ord. #89-2, S4; Ord. #89-4, SS7, 8; Ord. #90-23; Ord. #96-30, S1; Ord. #22-2005; Ord. #17-2008; Ord. #15-2010; Ord. #2011-1, S2; Ord. No. 2016-19; Ord. No. 2016-21; Ord. No. 2021-16).

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The site is also located in the Tier 3, Phase 6 Overlay Zone District. The following table outlines the bulk requirements of the Tier 3, Phase 6 Overlay Zone District.

<b>Item</b>	<b>B-2 Zone District</b>
Max. Density	12 DU/acre
Min. Lot Area	---
Min. Lot Width	---
Min. Lot Frontage	-----
Min. Lot Depth	---
Max. Building Coverage	80%
Max. Impervious Lot Coverage	90%
Max. Building Height – All properties not located in the Core Downtown Area	3 Stories & 45 Feet
Common Open Space as defined under Section 23-10.3.C.1	10% of the gross lot area as applicable and as further specified under Section 23-10.3.C.1.
Min. Front Yard Setback for buildings 3 stories or less	10 Feet
Min. Front Yard Setback for buildings greater than 3 stories	15 Feet
Min. Side Yard Setback – one side (for buildings 3 stories or less)	0 Feet
Min. Side Yard Setback - both sides (for buildings 3 stories or less)	15 Feet
Min. Side Yard Setback – one side for buildings greater than 3 stories	10 feet
Min. Side Yard Setback - both sides for buildings greater than 3 stories	25 feet
Min. Side Yard Setback – Corner Lot	10 feet
Rear Yard Setback	30 feet

The Tier 3, Phase 6 Downtown Overlay Ordinance provides for incentive zoning under Section 23-10.5.L. (Ordinance No. 2020-11):

### L. Incentive Zoning:

In order to further incentivize the redevelopment and revitalization of its downtown, the Township on its own will permit an increased residential density of up to eighteen dwelling units per acre (18 units / acre) subject to the project satisfying all of the following conditions without the right to request bulk (c variance) relief from any of the following requirements from the Planning Board. No project shall be granted a residential density bonus unless all seven (7) standards are fully satisfied as part of the development:

1. An additional 5% of the gross lot area shall be dedicated and constructed as open space for all projects with a gross lot area of 1.0 acre or greater. This additional 5% of open space is to be provided in addition to the Common Open Space that is required in Section

23-10.3.I. This additional 5% of open space can be a separately designed open space area from the Common Open Space required under Section 23-10.3. All open space areas may be located within building setbacks. The design and location of all open space areas shall be approved by the Planning Board.

2. The minimum square footage of the market rate units shall be 600 square feet for a studio apartment, 700 square feet for a one-bedroom market rate unit and 850 square feet for a two-bedroom market rate unit. All developments shall have a mixture of market rate bedroom units in addition to satisfying the affordable housing bedroom distribution requirements and no development shall have more than ten percent (10%) of the total market rate units be studio apartments.
3. The project shall satisfy the off-street parking requirements as specified under Section 23-10.3.J.
4. All building elevations are constructed with the same architectural style and incorporate upscale building materials on all building elevations. The use of vinyl siding and EIFS shall be prohibited.
5. A twenty percent (20%) inclusionary affordable housing set-aside shall be required, regardless of whether the project is rental or for-sale.
6. The Developer shall incorporate Green Design Standards as defined in this ordinance into the project subject to review and approval by the Planning Board.
7. All dwelling units shall be constructed to the standards as outlined in the National Fire Protection Association (NFPA) 13 fire protection codes.

## **SECTION 3: THE REDEVELOPMENT PLAN**

### **3.1. LAND USE PLAN**

The purpose of this Redevelopment Plan is to provide for the redevelopment of an existing dilapidated commercial property. This plan envisions the construction of a minimum 5,655 +/- one story square foot QuickChek retail and convenience store with a maximum of forty-nine (49) parking spaces, two (2) oversized parking spaces, Electric Vehicle charging stations and six (6) fuel pump stations.

#### **3.1.A Permitted Uses in the Redevelopment Area**

##### **1. Permitted Primary Uses**

- a. A QuickChek consisting of a minimum one-story 5,655 +/- square foot building with gas service pumps, electric vehicle charging stations, convenience retail, food and beverage service for both on-site and off-site consumption (including indoor and outdoor seating), and the sale of such other items.

##### **2. Permitted Secondary Uses**

- a. Surface parking
- b. Loading spaces;
- c. Fuel pumps and underground storage tanks (UST) and associated vent pipes;
- d. Diesel pumps;
- e. Electric Vehicle Charging Stations;
- f. Air/Vacuum pads;
- g. Common outdoor public spaces;
- h. Gardens, hardscape patio areas, landscape features;
- i. Green building techniques and green roofs;
- j. Solar canopy array or roof mounted systems;
- k. Stormwater management/flood storage systems consistent with the recently adopted, enhanced NJDEP Best Management Practices for stormwater management for a major development;
- l. Signage;
- m. Generators;
- n. Trash enclosures;
- o. Maintenance shed;
- p. Outdoor seating associated with any on-site permitted principal use;
- q. Any accessory use or structure customary and incidental to the permitted principal use subject to and as approved by the Planning Board.

3.1.B Building, Area, and Yard Requirements

<b>Table 4: Bulk Requirements for the 475 Terrill Road Redevelopment Plan Area Township of Scotch Plains, Union County, New Jersey</b>	
<b>Description</b>	<b>Requirement</b>
<b>Min. Lot Area</b>	1.5 Acres
<b>Min. Lot Width</b>	100 Feet
<b>Min. Lot Depth</b>	100 Feet
<b>Max. Building Height (Feet) <sup>(a)</sup></b>	20 feet
<b>Max. Parapet Height -Terrill Road</b>	6 ½ Feet
<b>Max. Parapet Height – All other building elevations</b>	5 Feet
<b>Max. Building Height (Stories)</b>	1 story
<b>Max. Building Coverage</b>	20%
<b>Max. Impervious Lot Coverage (%)</b>	80 %
<b>Minimum Landscaped/Green Space</b>	20 %
<b>Maximum Lot Coverage of pumps, above ground mechanical equipment, canopy, and accessory appliances to the primary use</b>	20%
<b>Primary Building Setbacks</b>	
<b>Min. Front Yard Setback Terrill Road (Canopy)</b>	60 feet
<b>Min. Front Yard Setback East Second Street (Canopy)</b>	40 feet
<b>Min. Building Setback – Terrill Road</b>	80 feet
<b>Min. Building Setback – East Second Street</b>	140 feet
<b>Min. Side Yard Setback (northeastern property line)</b>	50 feet
<b>Min. Rear Yard Setback (western property line)</b>	50 feet
<b>Secondary Use Setbacks</b>	
<b>Min. Front Yard Setback Terrill Road (Canopy &amp; Fuel Pumps)</b>	60 feet
<b>Min. Front Yard Setback East Second Street (Canopy &amp; Fuel Pumps)</b>	40 feet
<b>Min. Setback of all other permitted secondary uses - Terrill Road and East Second Street</b>	10 feet
<b>Min. Setback of all other permitted secondary uses – northeastern &amp; western (non-street frontage) property lines</b>	5 feet
<b>Off-Street Parking Requirements</b>	
<b>Max. Number of Off-Street Parking Spaces (not including EV spaces and oversized spaces)</b>	Forty-Nine (49) spaces
<b>Min. Side and Rear Yard Setback of Any Driveway or Aisle</b>	10 feet
<b>Max. Number of Oversized Parking Spaces</b>	Two (2) 10'x60' oversized parking spaces shall be provided
<b>Max Loading Space Width</b>	15 feet
<i>(a) Building height shall be measured as defined in the Township ordinances. Utilitarian appurtenances such as vents, mechanical equipment and utilities may project not more than two feet above the permitted building height unless they are enclosed within parapet walls.</i>	

## 475 Terrill Road Redevelopment Plan

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### 3.1.C Redevelopment Area Phasing Plan

It is anticipated that the redevelopment area will be constructed in one phase. The designated redeveloper shall, as part of the consistency review, provide a phasing schedule for the Project. All components of the phasing plan shall be reviewed and approved by the Township Council.

### 3.1.D Signage

1. A signage package shall be submitted in the site plan application. All signs are subject to review by the Zoning Officer when not included as part of a major site plan application.
2. Signs shall be consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture, and depth. Signs should not be dominant but should be proportionate in order to complement the building and surroundings.
3. Commercial signage
  - a. One (1) 105 SF building mounted sign facing Terrill Road
  - b. One (1) 105 SF building mounted sign facing East Second Street
  - c. One (1) 23 SF sign on the canopy facing Terrill Road
  - d. One (1) 23 SF sign on the canopy facing East Second Street
  - e. One (1) double-faced ground mounted sign along each street frontage which does not exceed forty (40) square feet, on any one side nor six (6) feet in height. The base of the sign shall not be included in the calculation of the sign area but shall be included in the calculation of the height of the sign. A ground mounted sign may be illuminated, but illumination shall be from within and be non-flashing. Light-emitting diode (LED) signs shall be permitted. Such signs may be located in the front yard area but shall not be closer than 10 feet to a street line. A ground mounted sign may contain gas prices.
4. No electrical wiring associated with a sign shall be visible to public view.
5. Sign Lighting:
  - a. Raceway mounted internally lit signage is permitted.
  - b. Internally lit signs and sign boxes are permitted
  - c. LED lit signs are permitted to display gas prices.
6. During construction, one (1) temporary sign per building indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed fifty (50) square feet.
7. Canopies, awnings, and other similar architectural features are encouraged to create a sense of place and shall be constructed of materials similar to or compatible with the overall building design.
8. Prohibited Signage: The following signs and devices shall not be permitted within the Redevelopment Area:

- a. Externally illuminated box signs;
- b. Electronic message boards – including those that have flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle. A ground mounted sign as described under Section 3.1.D.3 is not an electronic message board.;
- c. LED TVs in windows for advertising, rope lighting around windows.;
- d. Roof signs, billboards, sign boards;
- e. Posters, plastic, or paper, that appear to be attached to the window except for temporary signage utilized for purposes such as sales. A specific temporary sign is not permitted to be displayed for any more than a 30-day period;
- f. Free-standing signs;
- g. Fluorescent and/or glowing paint for any signage or building within the Redevelopment Area;
- h. Waterfall style awnings, metal awnings, or plastic awnings;
- i. Product advertising signage of any kind.

## 3.2 DEVELOPMENT REQUIREMENTS

### 3.2.A Parking and Traffic Circulation Standards

1. The redeveloper shall provide a traffic study for the proposed commercial development at the time of the site plan hearing before the Planning Board that shall address the traffic impact of the proposed development on the Township’s traffic circulation and roadways, as well as access to the site in accordance with the Township, Union County, and/or New Jersey Department of Transportation (the NJDOT”) regulations, as applicable.
2. All required off-street parking and loading spaces shall be provided on-site.
3. There shall be three (3) points of ingress/egress to the site, with two (2) on Terrill Road and one (1) on East Second Street. The width and location of the ingress / egress driveways shall be subject to review and approval by the Planning Board Engineer to ensure all sight distances are satisfied and all truck movements are able to safely traverse the site.
4. Preparation of “make ready” parking spaces and installation of electric vehicle supply equipment shall be completed in compliance with P.L. 2021, c.171 and the provisions of the Township ordinance adopted pursuant to such State legislation. The location of the proposed EV charging stations shall be provided at the time of site plan approval. The Township Council may authorize the issuance of a Temporary Certificate of Occupancy (TCO) or a Certificate of Occupancy (CO) prior to the electric vehicle stations being fully operational provided that any such extension shall not exceed six months unless authorized by the Township Council.
5. The minimum number of off-street parking spaces provided within the Redevelopment Plan Area shall be as described in Table 4.
6. A Traffic Circulation Plan shall be provided depicting the turning radius of emergency vehicle routes through the site to the satisfaction of the Board Engineer. No truck circulation routes shall interfere with any permitted on-street parking spaces or driveways.
7. All parking spaces, loading spaces, fire lanes, and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the Traffic Circulation Plan.

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8. A minimum of one (1) fifteen-foot-wide (maximum) loading zone shall be located at the rear of the commercial building.
9. All driveways, internal roadways, site improvements, and parking spaces located on the property shall be owned and maintained by the developer(s).
10. The developer shall apply to the Township for Title 39 Jurisdiction.
11. No overnight truck or car parking is permitted in the Redevelopment Area.
12. No truck idling is permitted in the redevelopment area. A sign stating same shall be installed in the parking and loading areas.
13. A minimum sidewalk of six feet in width shall be located between the building and any adjacent parking spaces and the sidewalk shall extend the entire length of the building elevation.

### **3.2.B Project Design Standards and Conditions**

1. Parking Stall dimensions shall be at least (9' x 18').
2. All fuel tanks or other such containers for the storage of flammable materials, either liquid or solid, shall be installed underground at sufficient depth to ensure against hazard of fire or explosion.
3. Accessory goods for sale may be displayed out of doors on the pump island end and the building island only and shall be stored in a suitable rack or container subject to Planning Board approval at the time of the site plan application.
4. Canopies, if provided, shall be allowed to be lighted for safety; any signs located on the canopy shall comply with Section 3.1.D. Signage. Canopies shall not exceed 18' 6" feet in height. Kiosks, if provided, shall be located under the canopy.
5. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered so that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey.
6. All mechanical equipment shall be screened from view, both from the street and existing or neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building and shall utilize the same materials used in the construction of the building, so that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment or hinder the fire department or other emergency responders from gaining access to the rooftop. Screening shall be reviewed and approved by the Township Fire Official and Planning Board.
7. Upon the demolition of any existing structure, in whole or in part, the Redevelopment Plan Area shall be properly graded and stabilized in accordance with the Soil Erosion and Sediment Control Plan unless new construction is to commence on the same site within thirty (30) days.
8. If any environmental hazards or conditions exist on the Redevelopment Area, the developer is responsible for obtaining all necessary permits and approvals from the New Jersey Department of Environmental Protection, Land Use Regulation and a Licensed Site Remediation Professional ("LSRP"), including a Remedial Action Order ("RAO") if applicable.

9. Adequate facilities shall be provided for the handling of garbage, recycling, and other refuse by providing and maintaining an enclosed and screened area within an enclosure structure, within which all garbage, recycling and refuse containers shall be stored, subject to Planning Board approval.
10. The Project shall include stormwater/flood management systems which include, but are not limited to, flood storage, stormwater detention basins, basin overflow areas, culverts etc., shall be designed and constructed to the appropriate standards.
11. A comprehensive landscape plan shall be prepared by a Licensed Landscape Architect. All areas of the Redevelopment Area not covered by buildings, pavement, walkways and other permissible impervious surfaces shall contain landscape plantings which shall be comprised of native and perennial trees, shrubs, ground cover, lawn areas, and other plantings.
12. The store and fuel pumps may operate twenty-four (24) hours a day, seven (7) days a week.

### **3.2.C Lighting Requirements:**

1. Pedestrian and vehicular scale lighting shall be provided
2. Light Fixture Mounting Height: 20' maximum
3. Light Type: Light-Emitting Diode (LED)
4. Minimum Horizontal Light Level (parking lot): 0.2 fc
5. Minimum Horizontal Light Level (sidewalks): 0.5 fc
6. Minimum Parking Lot Average Light Level: 1.0 fc
7. The illumination levels (fc) at the ingress & egress driveways may exceed the maximum levels subject to the Planning Board approval at the time of the site plan application.
8. Lighting Design:
  - a. All lighting from fixtures shall be cut off at property lines.
  - b. Sky glow effects are prohibited.
  - c. The applicant shall provide a manufacturer's computer print-out and/or specifications publication of the proposed average maintained foot-candles on the site.
  - d. Building mounted lights shall be included in the site plan application.
  - e. A lighting plan depicting the point-by-point footcandles at the surface shall be submitted at the time of site plan application.

### **3.2.D Building and Architectural Design Standards and Programming**

1. Architectural Building Elevation: Exhibit 3, represents the typical architectural building elevation for the building to be constructed within the Redevelopment Plan Area. The building elevations shall be typical for all four sides of the buildings to be constructed within the Redevelopment Plan Area. All building elevations are required to be built to the same building construction standards and aesthetics, using the same building materials. The use of vinyl siding and EFIS are prohibited.

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2. The building shall be constructed primarily of red brick with green standing metal awnings and brick pilasters on the east, south and west elevations. Clear insulated glass with mill finishes and aluminum frame windows shall be a prominent feature of the entire Terrill Road building elevation and at least the glass at the building entrance and at the interior sitting area along the East 2<sup>nd</sup> Street building elevation. The type of all other glass shall subject to review and approval by the Planning Board at the time of site plan application.
3. The building elevations depicted in Exhibit 3 are intended to be illustrative examples of the architectural styles and building materials for the proposed buildings and are subject to further review and comment as the development process moves through the Consistency Review and site plan application before the Planning Board.
4. The canopy for the gas pumps shall be constructed of green metal fascia panels and light green metal fascia panels. Brick veneer matching the main building shall be used to construct the columns.
5. All ground level or at grade heating/air conditioning units or other mechanical equipment shall be screened by means of solid fencing and supplemented with evergreen plantings with such planting species resistant to urban environments. At initial planting, the materials shall provide a screen from the top of planting to within six inches of grade.

### **3.2.E Landscaping Requirements**

1. Any portion of the Redevelopment Area that will be used for outdoor open and/or green space shall be maintained by the developer and/or successor association.
2. All islands in the parking area shall be landscaped and grassed with species that are resistant to urban environments and shall contain an automatic irrigation system. Proposed plantings and the proposed irrigation systems shall be included in the comprehensive landscape plan and shall be subject to Planning Board review and approval.
3. Only indigenous plant species are permitted. Exotic and invasive plant species are prohibited.
4. The redeveloper shall be responsible for the replacement of any landscape material that dies or is damaged and shall post a 2-year maintenance bond. The replacement shall be made no later than the next appropriate planting season for such material.

### **3.2.F Utilities**

1. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available, and permitted by the applicable utility companies, and in all events shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
2. All utility connection permits, and road opening permits shall be obtained from the respective utility authority prior to the start of construction. All municipal roadways damaged by the construction related to the development of the Redevelopment Plan Area shall be restored and/or repaved as directed by the Township of Scotch Plains Engineer.
3. The Project shall provide a stormwater management design for the development that meets the recently adopted, enhanced NJDEP Best Management Practices for stormwater

management for a major development. The design shall be consistent with the Township's Stormwater Control Ordinance<sup>1</sup> and shall be designed to ensure that the proposed development will have no adverse effects on the subject property, the surrounding properties, or the community at large. The stormwater/flood management systems may include, but are not limited to, flood storage, stormwater detention basins, basin overflow areas, culverts etc., shall be designed and constructed to the appropriate standards.

### **3.3 PROVISIONS RELATED TO EAST SECOND STREET AND TERRILL ROAD**

#### **3.3.A Streetscape and Landscaping Improvements**

1. It is envisioned that the downtown will be a vibrant area with multi-modal access that provides a safe environment for pedestrian, bicycle and vehicle traffic and circulation. All plant species, materials, colors, furniture, and all other streetscape elements shall be included in the site plan application. Streetscape improvements shall be subject to the performance and maintenance guarantees as outlined in Section 21 of the Scotch Plains Ordinances. Determination of responsibility of costs for streetscape installation and maintenance shall be established in the applicable Redevelopment Agreement.
2. The Township adopted a Complete Streets Policy on January 16, 2018, through Resolution 2018-34. In accordance with this policy, all new projects, including the Redevelopment Area, shall incorporate improvements to public streets, public health, and the transportation network in the Township for all users, in coordination with all departments, agencies, and jurisdictions to the extent that it is safe and practicable.
3. To create a pleasant pedestrian environment and provide safe connectivity for pedestrians, the development of the Redevelopment Plan Area shall include streetscape improvements along East Second Street and Terrill Road consistent with the [Township's Tier I, Phase I Redevelopment Plan](#).
4. Streetscape improvements along the street frontages of projects shall be required and a Streetscape Improvement Plan is required for all projects in the Redevelopment Area and shall include proposed sidewalk and curbing materials and treatments, street trees, and any proposed street furniture, lighting, or other features to be provided.
5. Streetscape Improvement Plans shall be designed by a Licensed Landscape Architect and shall encompass any street frontages of a subject property.
6. The Streetscape Improvement Plan shall be submitted to the Planning Board for its review and approval as part of the project site plan application and shall be implemented as part of the construction of the project. In order to protect the integrity of any components of the Streetscape Improvement Plan during any construction, all work shall be performed on a timeline that is reasonable based on the season and phase of construction. The Planning Board shall review each streetscape plan to ensure that each plan is consistent and compatible with other streetscape plans in the Redevelopment Area and may require modifications to same to ensure compatibility and consistency.
7. Street trees shall be a minimum of three (3) inch caliper, balled, and burlapped, and in intervals not exceeding fifty-feet (50') along Terrill Road and East Second Street. The location and type of street trees shall be depicted in the submitted comprehensive

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<sup>1</sup> § 16-20. Stormwater Control, added 7-20-2021 by Ord. No. 2021-14

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landscape plan at the time of site plan approval. Tree grates and fencing around trees is not permitted. Street trees shall be consistent with the requirements outlined in Section 22-6.6 of the Scotch Plains' Ordinance.

8. Bicycle racks which can accommodate a minimum of ten (10) bicycles shall be provided on the site.

### 3.4 GREEN BUILDING AND SUSTAINABILITY

The use of green building technologies is strongly encouraged to be incorporated into all aspects of the project design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle: from siting to design, construction, operation, maintenance, renovation, and demolition. Development in the Redevelopment Plan Area is encouraged to incorporate where feasible, building technologies and practices that promote sustainability and LEED initiatives of U.S. Green Buildings Committee. Green building design offers the advantages of reduced energy and operating costs while at the same time using less materials. Building design should consider incorporating the following:

1. Solar panels, green roofs, storm water recharging systems and solar powered lighting are some methods that could be used to increase resource efficiency.
2. Implement green roof planting on flat roofing of multi-story buildings or light color for roof surfaces.
3. The use of high efficiency fixtures can reduce energy consumption.
4. Specify building products with recycled content and that are manufactured regionally.

The Redevelopment Plan Area is partially located in the "0.02% Annual Chance of Flood Hazard" Zone or 500-year storm Flood Hazard Area, as shown on Figure D. Stormwater management strategies to mitigate risk from future flooding due to climate change should be implemented.

Senate Bill number 2607 which amended Section 19 of P.L. 1975, c.291 (C.40:55D-28), requires that a land use plan element include a consideration for "environmental effects and extreme weather-related events associated with climate change.... and contain measures to mitigate reasonably anticipated natural hazards...and provide strategies and design standards that may be implemented to reduced or avoid risks associated with natural hazards." While Scotch Plains has not updated their Land Use Plan to reflect these new standards, the design of this project will consider the planning resiliency of this project.

## **3.5 REDEVELOPMENT ACTIONS**

### **3.5.A Demolition**

The development of the Redevelopment Plan Area will involve the demolition of the existing remaining improvements on the property. As a part of the demolition all remains from the foundations of prior structures, if any, need to be removed. It is the responsibility of the developer to remove all debris, including crushed concrete and garbage from the Plan Area, regardless of whether the debris was on the properties prior to the start date of construction. The reuse of crushed concrete or other materials may be acceptable and shall be addressed as part of the site plan approval, subject to the developer receiving the proper permits and approvals from NJDEP. The developer shall defend and indemnify the Township for its use and/or proper disposal if removed from the Plan Area, of all existing and remaining improvements and other materials, including soils, on the site.

### **3.5.B New Construction**

The Redevelopment Plan will involve the new construction of one (1) commercial building containing a one story QuickChek store consisting of a minimum of a 5,655 +/- square foot building with gas service pumps with a canopy, electric charging stations, convenience retail, food and beverage service for both on-site and off-site consumption (including indoor and outdoor seating).

### **3.5.C Properties to be Acquired**

This Redevelopment Plan will not involve the taking of any privately or publicly owned property.

### **3.5.D Relocation**

No residents nor businesses will need to be relocated as part of this redevelopment plan.

## **SECTION 4. RELATIONSHIP TO LAND USE AND ZONING ORDINANCE**

This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Scotch Plains regulating development in the Redevelopment Plan Area. Final adoption of this Redevelopment Plan by the Township Council shall be considered an amendment of the Township of Scotch Plains Zoning Map.

The zoning district map in the zoning ordinances of the Township shall be amended to include the boundaries described in this Redevelopment Plan and the provisions therein. All the provisions of this Redevelopment Plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the Redevelopment Area. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the Township of Scotch Plains, the provisions herein shall govern.

## **SECTION 5. RELATIONSHIP TO OTHER PLANS**

### **5.1 PLANS OF ADJACENT MUNICIPALITIES**

#### **A. Township of Berkeley Heights**

The Township of Berkeley Heights is located in Union County and shares a border with Scotch Plains along the Watchung Reservation. It is not anticipated that construction in the Redevelopment Area will impact Berkeley Heights due to the distance between the area and the Township.

#### **B. Township of Clark**

The Township of Clark shares a border with Scotch Plains to the south and eastern portion of the Municipality. Clark is located near a low-density residential area of Scotch Plains and any activity in the Redevelopment Area is not expected to have an impact on the Township of Clark.

#### **C. Township of Edison**

The Township of Edison is located in Middlesex County and shares a border along the southernmost edge of Scotch Plains. Edison is far removed from the Redevelopment Area, not sharing any direct connecting roadways thus it is unlikely the Redevelopment Area will impact Edison at all.

#### **D. Borough of Fanwood**

The Borough of Fanwood is located east down Terrill Road. Due to the small size and scope of the new construction in the Redevelopment area, it is unlikely Fanwood will be impacted negatively by this plan. Route 28 runs through Fanwood and will likely absorb any traffic associated with the commercial development.

#### **E. Borough of Mountainside**

The Borough of Mountainside is located to the northeast of Scotch Plains, sharing a small border above Westfield. The most prominent connection between Scotch Plains and Mountainside is Route 22, which is not connected to the Redevelopment Area. It is unlikely that activity in the Redevelopment Area will have a significant impact on Mountainside, if any at all.

#### **F. City of Plainfield**

The City of Plainfield is located south of the redevelopment area across Terrill Road. Terrill Road provides access to Route 22 and will therefore help mitigate traffic concerns or spillover traffic resulting from the Redevelopment Area. The size of the parcel comprising the redevelopment area is large, therefore the site will be able to accommodate construction and should limit disturbances in traffic activity.

#### **G. Borough of South Plainfield**

The Borough of South Plainfield is located at the southern most portion of the Scotch Plains municipal border. Since this redevelopment area is located in the northwestern portion of Scotch Plains, it is unlikely the Borough of South Plainfield will be impacted by the construction in the redevelopment area.

## H. Borough of Watchung

The Borough of Watchung is located west of the redevelopment area further down Terrill Road. Route 22 spans across the border of the two municipalities and will be likely to absorb any traffic associated with the redevelopment area.

## I. Township of Westfield

The Township of Westfield is located in Union County and shares a large border with the majority of the eastern edge of Scotch Plains. However, Westfield is far removed from the Redevelopment Area and therefore it is not anticipated that new construction will have an impact on Westfield, if any at all.

## 5.2 UNION COUNTY MASTER PLAN

“The Union County Master Plan has a variety of planning goals and objectives designed to address major issues and influences that impact Union County’s housing, land use, transportation/circulation and economic development. The County goals and objectives recognize the interrelationships of related policies of municipalities, regional agencies and the State regarding the future development of Union County.”<sup>2</sup>

The Union County Master Plan sets guidelines for the municipalities of Union County and aims to spur economic growth through commercial, residential and transportation development. The Union County Master Plan promotes development and redevelopment consistent with surrounding areas while revitalizing “older suburban areas through...commercial adaptive reuse...upgrading of community infrastructure and upgrading transportation and transit facilities.”<sup>3</sup>

This Redevelopment Plan is consistent with the Union County Master Plan, in that it aims to promote redevelopment of vacant and blighted township lots through beautification and planning efforts.

## 5.3 NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

All the properties in the Redevelopment Plan Area are mapped within the Metropolitan Planning Area PA I as depicted on the New Jersey State Development and Redevelopment Plan. “In the Metropolitan Planning Area, the State Plan’s intention is to provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older communities; redesign areas of sprawl; protect the character of existing stable communities.”<sup>4</sup>

In 2001, the New Jersey State Planning Commission adopted The New Jersey State Development and Redevelopment Plan. A Final Draft of the State Development and Redevelopment Plan was reissued in 2010. The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities; reduce sprawl; and promote development and

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<sup>2</sup> Union County Master Plan. June 1998, 1-2

<sup>3</sup> Union County Master Plan: June 1998, 1-3 – 1-4.

<sup>4</sup> State Development and Redevelopment Plan, New Jersey State Planning Commission, adopted March 1, 2001, page 190.

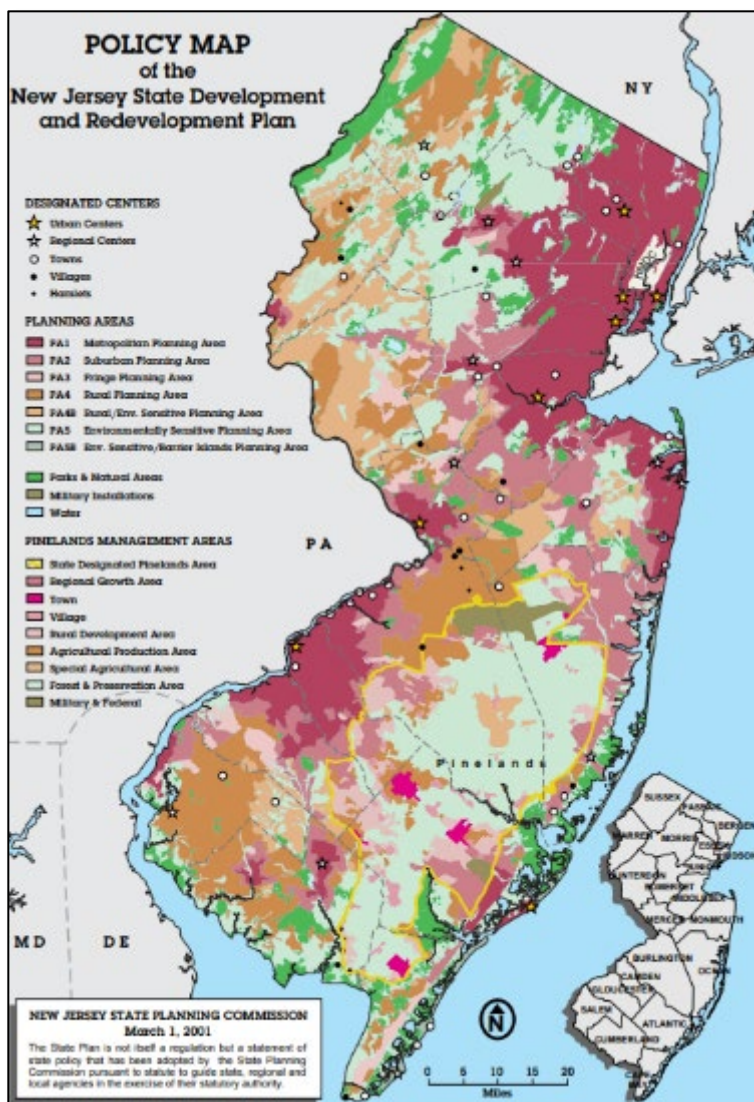
## 475 Terrill Road Redevelopment Plan

Township of Scotch Plains, Union County, New Jersey

redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds. (N.J.S.A. 52:18A-196. et seq.).

The general redevelopment plan strategy is to achieve all the State Planning Goals by coordinating public and private actions to guide future growth into compact, ecologically designed forms of development and redevelopment, and to protect the Environs, consistent with the Statewide Policies and the State Plan Policy Map.

The New Jersey State Plan Policy Map integrates the two critical spatial concepts of the State Plan—Planning Areas, and Center and Environs—and provides the framework for implementing the Goals and Statewide Policies. Each Planning Area has specific intentions and Policy Objectives that guide the application of the Statewide Policies. The Policy Objectives ensure that the Planning Areas guide the development of location of Centers and protect the Environs. Applying the Statewide Policies through the State Plan Policy Map will achieve the goals of the State Planning Act.



According to the New Jersey State Development and Redevelopment Plan, the DH-24 Zone Redevelopment Area is in the Metropolitan Planning Area, PA1. PA1 provides for much of the state's future redevelopment: revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. As the name implies, the communities in this Planning Area often have strong ties to, or are influenced by, major metropolitan centers — the New York/Newark/Jersey City metropolitan region in the northeastern counties. The investment in passenger rail service in the Metropolitan Planning Area is represented by over 130 stations on eleven (11) heavy rail lines, two (2) rapid transit lines, two (2) light rail lines, and one (1) subway line.

Over the years, both the public and private sectors have made enormous investments in building and maintain a wide range of

facilities and services to support these communities. The massive public investment is reflected in thousands of miles of streets, trade schools and colleges, libraries, theaters, office buildings, parks and plazas, transit terminals and airports. Most of these communities are fully developed, or almost fully developed, with little vacant land available for new development. Much of the change in land uses, therefore, will take the form of redevelopment. These communities have many things in common: mature settlement patterns resulting in a diminished supply of vacant land; infrastructure systems that generally are beyond or approaching their reasonable life expectancy; the need to rehabilitate housing to meet ever changing market standards; the recognition that redevelopment is, or will be the not-too-distant future, the predominant form of growth; and a growing realization of the need to regionalize an increasing number of services and systems in light of growing fiscal restraints. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has attracted significant immigration, resulting in noticeable changes in demographic characteristics over time. This Redevelopment Plan is consistent with and will reinforce the goals and objectives of the State Development and Redevelopment Plan.

## **SECTION 6. GENERAL PROVISIONS**

### **6.1 ROLE OF TOWNSHIP OF SCOTCH PLAINS**

#### **6.1.A. Redeveloper Selection**

To assure that the vision of this redevelopment project will be successfully implemented in an effective comprehensive and timely way and to promptly achieve the public purpose goals of the Redevelopment Plan, the Township Council, would first need to designate a Redeveloper of this Plan. The Redeveloper would then be required to execute a Redevelopment Agreement satisfactory to and authorized by the Township Council.

#### **6.1.B PILOT Agreement**

The Township Council may approve a long-term tax exemption pursuant to the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., for a redevelopment project on property designated as Block 204, Lot 5.

### **6.2 APPROVALS PROCESS**

This Redevelopment Plan changes the process by which approvals for the development of land are typically granted. For a typical development application, a property owner submits plans and an application to the Planning Board or Zoning Board of Adjustment, and the board schedules a hearing on the application. However, in order to comply with this Redevelopment Plan and to streamline the review process, the following procedure will be followed:

#### **6.2.A Township Council Review**

The Township Council, acting as the Redevelopment Entity, shall review the Consistency Review Materials, which shall consist of the site plans, architectural drawings and a zoning analysis addressing the requirements of this redevelopment plan, for a proposed redevelopment project(s) within the designated Redevelopment Area to ensure that such project is consistent with this Redevelopment Plan and associated redeveloper agreement(s) (“Consistency Review”). Such review

## **475 Terrill Road Redevelopment Plan**

*Township of Scotch Plains, Union County, New Jersey*

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shall occur prior to the submission of the site plan application for the redevelopment project(s) to the Planning Board. During such process, the Township Council may seek input from a committee or subcommittee formed by the Township Council which may include members of the Township Council and any other members and/or professionals as determined necessary and appropriate by the Township Council. Such committee or subcommittee shall make its recommendations to the Township Council.

In undertaking its review, the Township Council shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redevelopment agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.

### **6.2.B Planning Board Review Process**

Upon the issuance of a report by the Township Council to the Planning Board and Applicant stating that the Consistency Review Materials have been reviewed (with all accompanying review letters and comments included) and is consistent with the Redevelopment Plan and Redevelopment Agreement or otherwise acceptable to the Township Council, development applications shall then be permitted to be submitted to the Township's Planning Board under the normal site plan and subdivision procedures outlined in the Township Code and in N.J.S.A. 40:55D-1 et seq. (the "MLUL").

The Planning Board shall deem any development application for redevelopment of any property subject to this Redevelopment Plan or otherwise located within the Redevelopment Area incomplete if the applicant has not been designated by the Township Council as a redeveloper(s) or the application has been submitted prior to the issuance of the above-referenced report by the Township Council.

### **6.2.C VARIANCES AND DESIGN WAIVERS**

Neither the Planning Board nor the Zoning Board of Adjustment shall grant any deviations from the terms and requirements of this Redevelopment Plan, that would involve the granting of any "d" variances. Unless otherwise specified in this Plan, any proposed changes to the Redevelopment Plan shall be in the form of an amendment to the Redevelopment Plan adopted by the Township Council in accordance with the procedures set forth in the Local Redevelopment Housing Law, N.J.S.A. 40A:12A-1 et seq.

Nothing shall prevent the redeveloper from applying for a waiver or bulk variance from any standard imposed by this Redevelopment Plan and/or the Township's Land Use and Development Ordinance as applicable, and the standards set forth in the MLUL and/or the Redevelopment Law, as applicable, shall determine if the Redeveloper is entitled to this relief or from seeking a waiver or de minimis exception to any standard or requirement of the Residential Site Improvement Standards under the applicable regulations. Notwithstanding the above, the Township Council and Planning Board are under no contractual obligation to grant or approve any request for a variance, waiver or de minimis exception.

The Planning Board may waive specific bulk, parking, sustainability, or design requirements if specifically authorized to do so by the Mayor and Township Council, provided the redeveloper demonstrates that such waiver or variance is necessary for the feasibility of the project, will not

substantially impair the goals and objectives of this Redevelopment Plan, particularly how its related to meeting state, federal, or environmental permit.

#### **6.2.D Approvals by Other Agencies**

The developer shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redeveloper's Agreement to be executed between the redeveloper and the Township.

#### **6.2.E Certificate of Completion and Compliance**

Upon the inspection, verification, and approval by the Township Council that the redevelopment of the Redevelopment Plan Area, or portion thereof, has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such area will be deemed no longer in need of redevelopment.

#### **6.2.F Severability**

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

#### **6.2.G 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 to be detrimental to the public health, safety, or general welfare.

#### **6.2.H Non-Discrimination Provisions**

No covenant, lease, conveyance, or other instrument shall be affected or executed by the Township Council or by a developer or any of his successors or assignees, whereby land within the Redevelopment Plan Area is restricted by the Township Council, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Plan Area based on age, race, creed, color, or national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, or occupancy thereof.

#### **6.2.I Infrastructure and Public Improvements**

The developer, at the developer's sole cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary

## **475 Terrill Road Redevelopment Plan**

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*Township of Scotch Plains, Union County, New Jersey*

sewer, and stormwater sewer service to the Redevelopment Plan Area, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the developer's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the Plan Area or required as a result of the impacts of the project.

### **6.2.J Duration of the Plan**

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Plan Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Township Council.

### **6.3 EASEMENTS**

No building shall be constructed over an easement in the Redevelopment Area without prior written approval of the Township Council and/or the underlying owner of the easement.

There are two (2) existing Township sanitary sewer easements on the property. A 20-foot-wide easement extends along the length of the western property lot line and extends onto neighboring Block 203, Lot 3. An easement is also located along the entire length of the southern lot line fronting on Terrill Road. This easement extends 10 feet +/- into the lot line.

It shall be the sole responsibility of the redeveloper to replace and/or reconstruct any improvement(s) constructed by the redeveloper over any an existing or proposed easement should the Township (or other easement owner) need to access any underlying utility or structure within any existing or proposed easement.

The Developer shall identify any existing Township owned utility lines which are located on the property and, if determined to be necessary by the Township or Planning Board Engineer, reconstruct and/or realign any existing Township owned utility lines on the property at the Developer's sole cost to the satisfaction of the Township Engineer. Any existing or proposed utility lines that are owned or maintained by the Township shall be provided with a utility easement to be dedicated to the Township.

The Redeveloper shall grant to the Township (or other entity) a temporary and permanent easement which may be necessary for access and for the proper functioning of utility and drainage systems, and as are otherwise necessary to facilitate construction and operation of the Redevelopment Project as contemplated by the Approvals.

## **6.4 PROCEDURE FOR AMENDING THE APPROVED PLAN.**

The Township of Scotch Plains Council, at its sole discretion, may amend the Redevelopment Plan from time to time upon compliance with the requirements of state law.

1. If any article, section, subsection, sentence, clause, or phrase of this Redevelopment Plan is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
2. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the Township of Scotch Plains, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Scotch Plains are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 7: Exhibits**





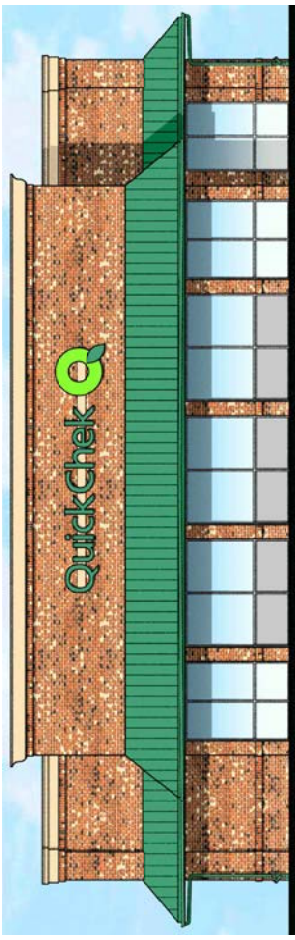


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BY	AK
PROJECT	QUICKCHECK
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SCALE	AS SHOWN

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 DE 145007765  
 MD 14129  
 SC 140111243  
 VA 140111243  
 PA 140111243  
 MA 140111243  
 NH 140111243  
 VT 140111243  
 ME 140111243  
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**Proposed Building For**  
**Quickcheck**  
 MAP 2, BLOCK 204, LOT 5  
 475 TERRILL ROAD  
 TOWNSHIP OF SCOTCH PLAINS  
 UNION COUNTY, NEW JERSEY

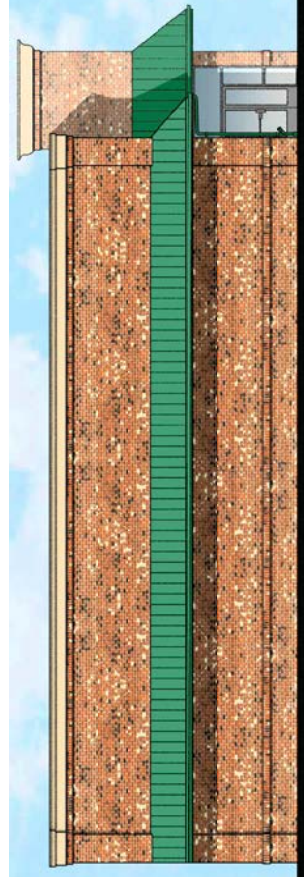
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BY	AK
PROJECT	QUICKCHECK
DESCRIPTION	ARCHITECTURAL ELEVATIONS
SCALE	AS SHOWN



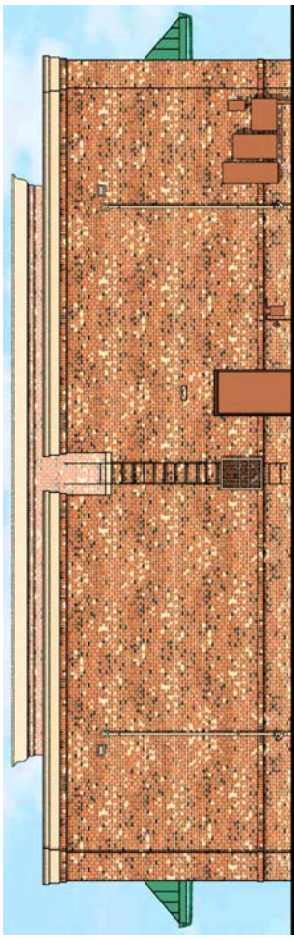
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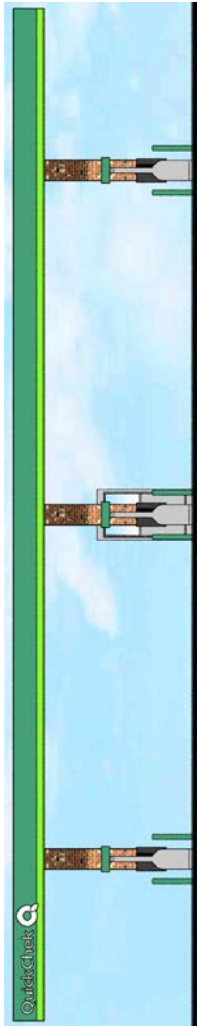
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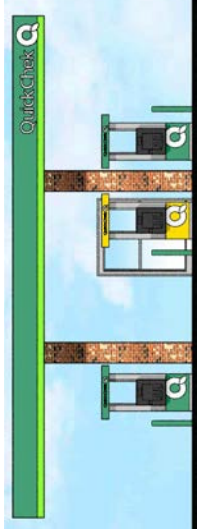
3 PROPOSED WEST ELEVATION  
 N.T.S.



4 PROPOSED NORTH ELEVATION  
 N.T.S.



5 GAS CANOPY EAST ELEVATION (East Second Street) - WEST ELEVATION SIMILAR, NO SIGN  
 N.T.S.



6 GAS CANOPY SOUTH ELEVATION (Terrill Road) - NORTH ELEV. SIMILAR, NO SIGN  
 N.T.S.

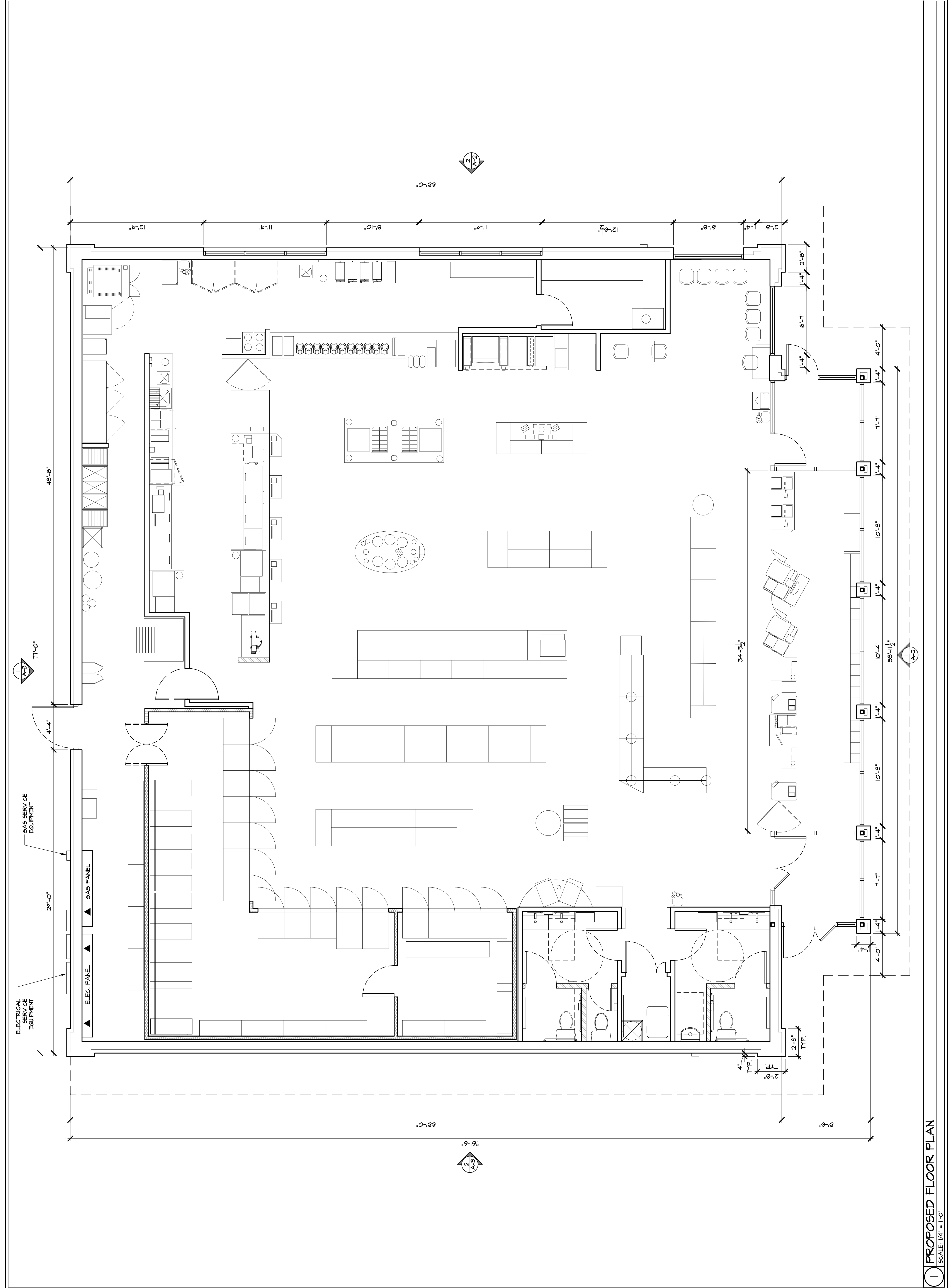
Rev.	No.	Date

Drawing Issues / Revisions

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NC: 11736 WV: 4569 NH: 04487  
AIA, NCARB, NJCID  
Gary Kliesch

**PROPOSED BUILDING FOR**  
**Quickchek**  
MAP 2, BLOCK 204, LOT 5  
475 TERRILL ROAD  
TOWNSHIP OF SCOTCH PLAINS  
UNION COUNTY, NEW JERSEY

Drawing Title: PROPOSED FLOOR PLAN	
Date: 10/27/2021	Drawn By: e.p.
Checked By: C.V.	Job No.: 21-304
Sheet: 1 of 4	



**1** PROPOSED FLOOR PLAN  
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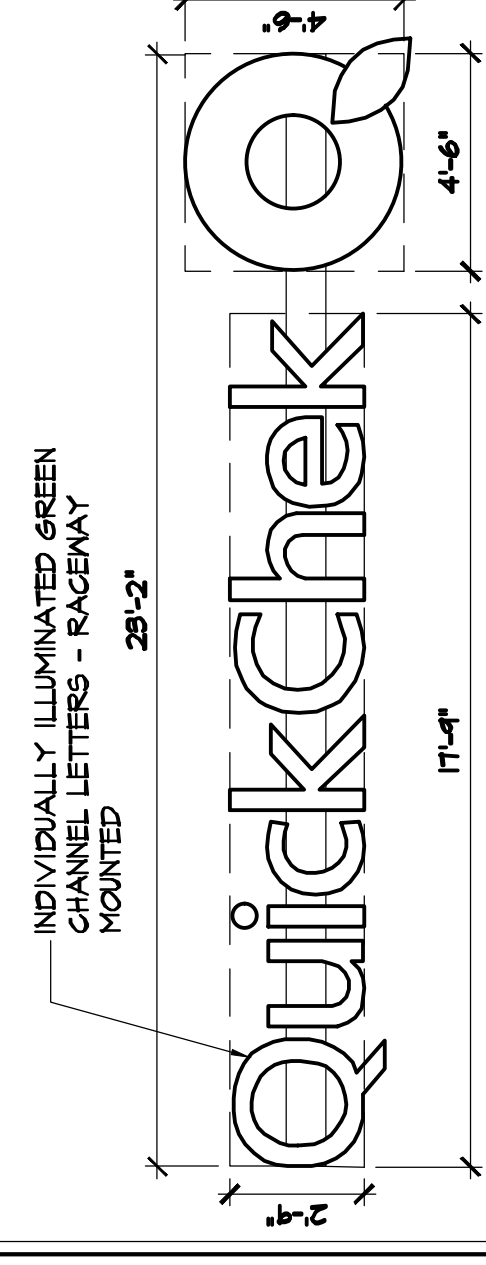
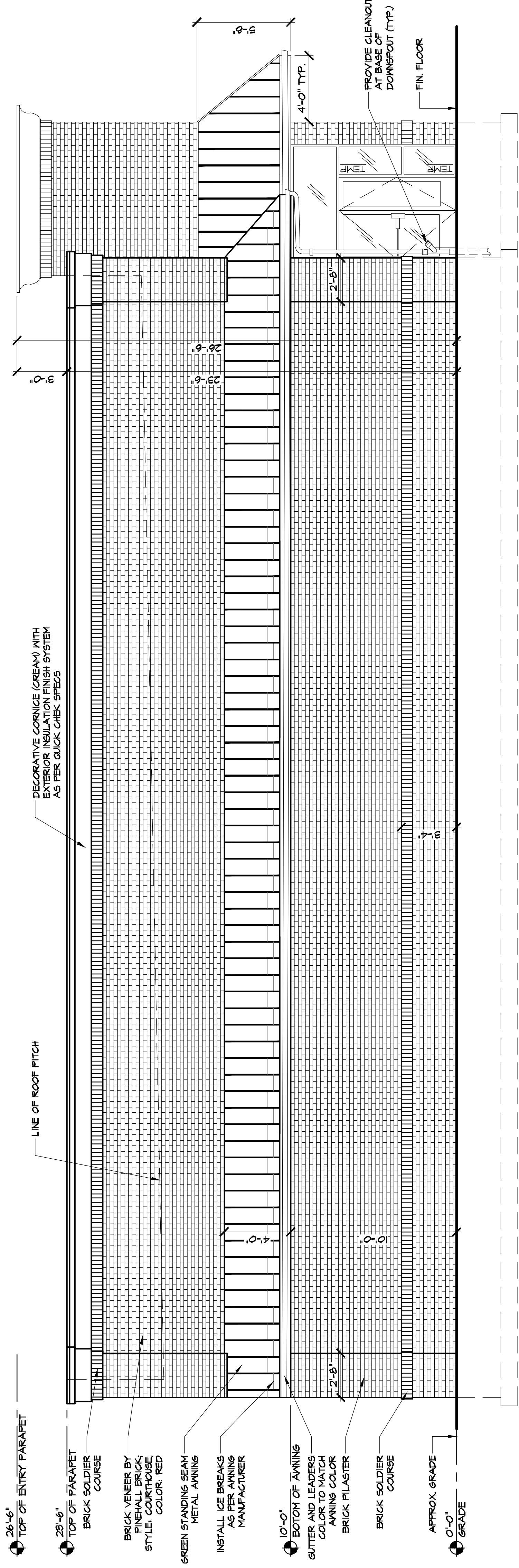
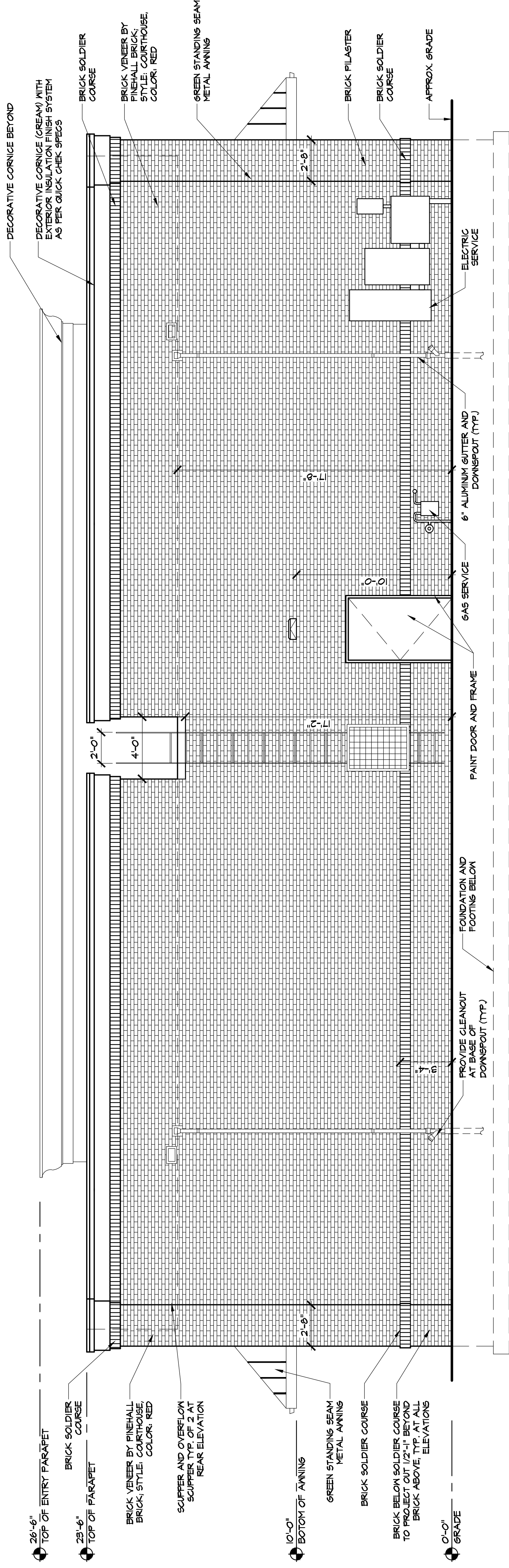


Rev.	No.	Date

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VA: 401016373	IL: 001.023586
NC: 11736	WV: 4569
AIA, NCARB, NJCID	
Gary Kliesch	

PROPOSED BUILDING FOR  
**Quickchek**  
MAP 2, BLOCK 204, LOT 5  
475 TERRILL ROAD  
TOWNSHIP OF SCOTCH PLAINS  
UNION COUNTY, NEW JERSEY

Date:	10/27/2021
Drawn By:	epd
Checked By:	OT
Job No.:	21-804
Sheet:	3 of 4



**3 BUILDING SIGNAGE DETAIL**  
SCALE: 1/4" = 1'-0"



