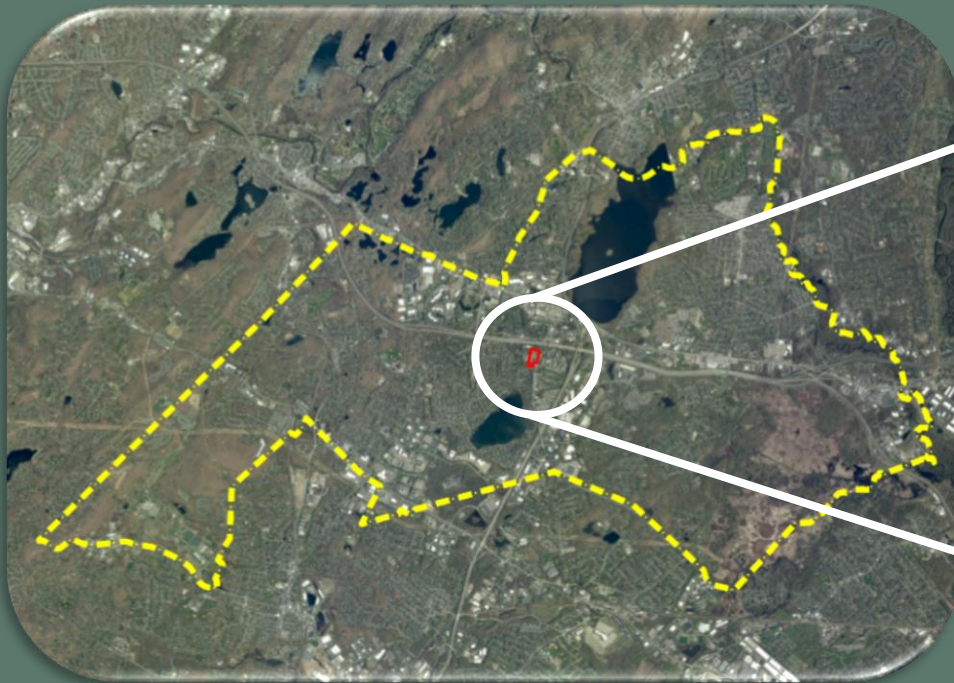


# REDEVELOPMENT PLAN LANIDEX REDEVELOPMENT AREA (BLOCK 226, LOT 3 & 3.2)

PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY



PREPARED BY:



SUBMITTED  
JULY 14, 2023  
ARH File No. 6630049.02

PREPARED FOR:





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PLANNING BOARD**

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John VonAchen, Vice-Chair  
Anil Dadheech  
Dominick Mele  
Gordon Meth  
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Ted Stanziale  
Jennifer Vealey  
Councilman Michael J. DePierro  
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Nora O. Jolie, Board Secretary  
Daniel R. Lagana, Esq., Board Attorney  
Stuart B. Wiser, PP / AICP, Board Planner  
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Frank Neglia, Councilman

Jamie Cryan, Business Administrator  
Khaled Madin, Township Clerk & Registrar  
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The original of this document has been signed  
and sealed pursuant to N.J.S.A. 45:14A-12.

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## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>	<b>6.0</b>	<b>STANDARDS &amp; CONTROLS OF GENERAL APPLICABILITY .....</b>	<b>28</b>
1.1	Background.....	1	6.1	Governing Regulations .....	28
1.2	Authorizing Legislation .....	2	6.2	Review Procedures, Interpretations & Responsibilities .....	29
1.3	Redevelopment Process .....	2	6.2.1	Approval Process .....	29
1.4	Authorization & Purpose .....	4	6.2.2	Variances, Departures, Deviations, & Design Waivers .....	31
<b>2.0</b>	<b>DEFINITIONS .....</b>	<b>5</b>	6.2.3	Permitted Uses (General) .....	34
<b>3.0</b>	<b>PRE-EXISTING CONDITIONS .....</b>	<b>12</b>	<b>7.0</b>	<b>LAND USE PLAN.....</b>	<b>35</b>
3.1	Delineation .....	12	7.1	Overview.....	35
3.2	Zoning .....	12	7.2	Development Regulations .....	36
3.3	Smart Growth, New Urbanism & the Regulatory Environment .....	12	7.2.1	Permitted Principal Uses & Structures .....	36
3.3.1	Smart Growth .....	12	7.2.2	Permitted Ancillary Uses & Structures .....	36
3.3.2	New Urbanism.....	13	7.2.3	Building limit Controls .....	37
3.3.3	State Development & Redevelopment Plan.....	15	7.2.4	Construction Staging & Sales Trailers .....	37
3.3.4	Implications for the Redevelopment Plan .....	16	7.3	Architectural Controls.....	39
3.4	Environmental Conditions & Constraints .....	17	7.3.1	General .....	39
3.4.1	Habitat/Threatened & Endangered Species .....	17	7.3.2	General Design Philosophy .....	40
3.5	Governmental Approvals.....	17	7.3.3	Building Orientation .....	40
<b>4.0</b>	<b>MUNICIPAL GOALS &amp; OBJECTIVES .....</b>	<b>19</b>	7.3.4	Building Massing & Style .....	41
4.1	General Statements.....	19	7.3.5	Roofs & Roof Materials.....	42
4.2	Municipal Land Use Law .....	21	7.3.6	Façade Treatment & Materials .....	44
4.3	Redevelopment Plan Goals & Objectives .....	22	7.3.7	Entryways & Doors .....	45
<b>5.0</b>	<b>ANTICIPATED REDEVELOPMENT ACTIONS .....</b>	<b>25</b>	7.3.8	Building Lighting .....	46
5.1	Anticipated Redevelopment Actions .....	25	7.3.9	Colors.....	46
5.2	Authority .....	25	7.3.10	Ancillary Structures.....	47
5.3	Redeveloper Designation .....	25	7.3.11	Fences & Walls.....	47
5.4	Redevelopment Agreement .....	26	7.3.12	Heating, Air Conditioning & Telecommunications.....	47
5.5	Acquisition & Conveyance.....	26	7.3.13	Signage .....	47
5.5.1	Acquisition.....	26	7.4	Performance Standards .....	49
5.5.2	Redeveloper’s Responsibilities Upon Acquisition .....	27	<b>8.0</b>	<b>CIRCULATION, PARKING &amp; LOADING PLAN .....</b>	<b>50</b>
5.5.3	Property Designated Not-To-Be-Acquired .....	27	8.1	Circulation.....	50
5.6	Financial Assistance.....	27	8.1.1	Parsippany Road & Lanidex Plaza West.....	50
			8.1.2	External Access .....	50



**REDEVELOPMENT PLAN**  
**LANIDEX REDEVELOPMENT AREA**  
**(BLOCK 226, LOTS 3 & 3.2)**  
**PARSIPPANY-TROY HILLS**  
**MORRIS COUNTY, NEW JERSEY**

8.2	Curbing & Sidewalks .....	51
8.2.1	Curbing .....	51
8.2.2	Sidewalks .....	51
8.3	Parking.....	52
8.3.1	General Requirements .....	52
8.3.2	Surface Parking Lots .....	52
8.4	Loading .....	53
8.5	Final Circulation, Parking & Loading Plans .....	54
<b>9.0</b>	<b>INFRASTRUCTURE CONTROLS .....</b>	<b>56</b>
9.1	UTILITY SERVICES.....	56
9.2	Floodplain, Wetlands, & Stormwater Management .....	57
9.3	Final Infrastructure Plan .....	57
<b>10.0</b>	<b>LANDSCAPING, STREETSCAPING &amp; OPEN SPACE PROVISIONS &amp; ENVIRONMENTAL PROTECTION MEASURES .....</b>	<b>58</b>
10.1	Landscaping & Streetscaping Plan.....	58
10.2	Landscaping .....	58
10.3	Streetscaping.....	59
10.4	Lighting .....	60
10.5	Open Space.....	60
10.6	Environmental Protection Measures.....	60
10.7	Final Landscaping, Streetscaping, & Open Space / Environmental Mitigation Plan.....	61
<b>11.0</b>	<b>EQUAL OPPORTUNITY .....</b>	<b>62</b>
<b>12.0</b>	<b>PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS .....</b>	<b>64</b>
12.1	Redevelopment Area Designation.....	64

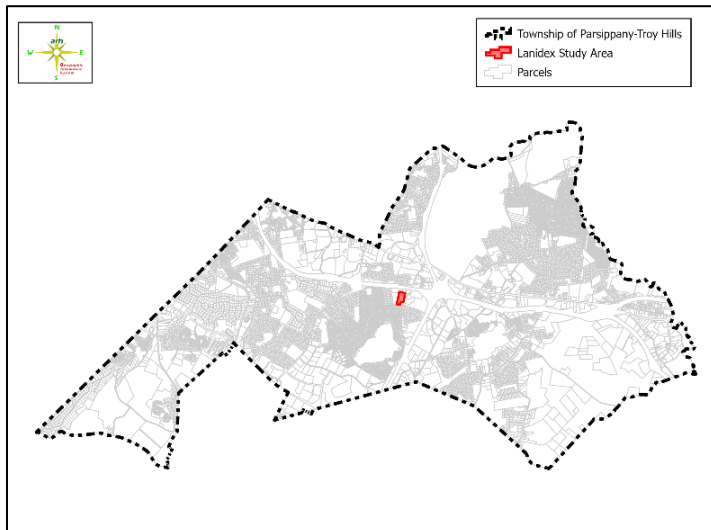
12.2	Redevelopment Plan .....	64
12.2.1	Relationship to Definite Local Objectives .....	64
12.2.2	Appropriate Land uses.....	64
12.2.3	Density of Population .....	64
12.2.4	Public Transportation & Traffic.....	64
12.2.5	Public Utilities .....	65
12.2.6	Recreational & Community Facilities.....	65
12.2.7	Other Public Improvements .....	65
12.2.8	Proposed Land Use & Building Requirements .....	66
12.3	Provision for Temporary & Permanent Relocation .....	66
12.4	Identification of Property-to-be Acquired .....	67
12.5	Significant Relationship to Other Plans .....	67
12.5.1	Master Plans of Contiguous Municipalities .....	67
12.5.2	Morris County Master Plan.....	68
12.5.3	State Development & Redevelopment Plan .....	68
12.5.4	Highlands Regional Master Plan .....	69
12.6	Inventory of Existing Affordable Housing Units to be Removed ...	70
12.7	Plan for Affordable Replacement Housing .....	70
12.8	Provision of Affordable Housing .....	70
12.9	Zero Emission Vehicle Fueling & Charging Infrastructure .....	71
12.10	Relationship to Pertinent Municipal Development Regulations ....	72
12.11	Consistency with Municipal Master Plan.....	73
<b>13.0</b>	<b>EFFECTIVE DATE, DURATION &amp; AMENDMENT PROVISIONS .....</b>	<b>74</b>
13.1	Effective Date .....	74
13.2	Duration of Provisions .....	74
13.3	Procedures for Amending the Approved Redevelopment Plan.....	74
<b>14.0</b>	<b>CERTIFICATE OF COMPLETION &amp; COMPLIANCE.....</b>	<b>75</b>



## 1.0 INTRODUCTION

### 1.1 BACKGROUND

There exists in the Township of Parsippany-Troy Hills, Morris County, New Jersey, a 2-lot, approximately 10.545-acre (not including rights-of-way) area identified as Block 226, Lots 3 and 3.2 on the Township's official Tax Maps (a.k.a. 20-30 Lanidex Way), which hosts a commercial office building and associated parking lots.



This area consists of an unproductive, unutilized, vacant building that exhibits conditions of deterioration and a lack



of proper development which results from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorate by private effort.



## 1.2 AUTHORIZING LEGISLATION

In 1992, the New Jersey Legislature empowered municipalities to address conditions as described by adopting the *Local Redevelopment & Housing Law*<sup>1</sup>, the purpose of which is to provide local officials with the tools and powers necessary to arrest and reverse such conditions and to promote the advancement of community interests through programs of redevelopment and/or rehabilitation of such lands.

Utilizing the comprehensive set of tools and techniques available *only* under the *Redevelopment Law*, municipalities may modify land use and zoning controls; acquire property deemed necessary for redevelopment; clear or provide for the clearance of such lands; install infrastructure and/or other site improvements; provide favorable tax and other financial incentives to facilitate redevelopment; and solicit for, negotiate / enter into partnerships with and transfer lands to public and private entities in order to accomplish certain defined municipal goals and objectives.

## 1.3 REDEVELOPMENT PROCESS

1.3.1 The first step in the Redevelopment process is for a municipal Governing Body to direct the municipal Planning Board to undertake what the *Redevelopment Law* terms a “Preliminary Investigation” to determine if the conditions in a targeted area (“Study Area”) conform with any of the 8 Criteria under which lands may be declared to be “In Need of Redevelopment” under sections 5 and 6 of the *Redevelopment Law*.

On January 24, 2023, the Parsippany-Troy Hills Township Council adopted Resolution No. R2023-032<sup>2</sup>; thereby authorizing and directing the Parsippany-Troy Hills Planning Board to conduct the necessary investigations and to undertake the necessary steps to determine whether or not lands then designated as the Lanidex Plaza Study Area, more particularly described as 20-30 Lanidex Plaza West and identified as Block 226, Lots 3 and 3.2 on the official Tax Map of the Township of Parsippany-Troy Hills, qualify for designation as a non-condemnation Area in Need of Redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.

<sup>1</sup> N.J.S.A. 40A:12A-1 et seq. ~ “Redevelopment Law”

<sup>2</sup> On file with the Township Clerk and/or the Planning Board Secretary.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

On January 26, 2023, the Planning Board accepted the directive of the Township Council and assigned **ARH ASSOCIATES**<sup>3</sup>, Licensed Professional Planners in the State of New Jersey and the Board’s appointed Planner, to undertake the Investigation on its behalf.

In satisfaction of N.J.S.A. 40A:12A-6 b., a map showing the boundaries and location of the Lanidex Plaza Study Area and a Statement for the Basis of this Preliminary Investigation were placed on file with the Township Clerk.

**1.3.2 ARH** conducted its analysis and submitted a *Report of Findings* detailing the conditions in the Study Area<sup>2, 4</sup>.

Pursuant to N.J.S.A. 40A:12A-6b (2) and (3), the Planning Board held a duly noticed public hearing on this matter<sup>5</sup> to determine whether all or part of the area under Investigation qualified as an Area in Need of Redevelopment in accordance with the *Redevelopment Law*.

At the end of the public hearing, and after careful consideration of the *Report of Findings* and a presentation by **ARH**, as well as comments from members of the public in attendance who elected to speak, the Planning Board, thereby found and recommended to the Township Council that the area under Investigation qualifies and therefore should be designated as a Non-Condensation Area in Need of Redevelopment. A Memorializing Resolution was adopted at the May 15, 2023, Planning Board meeting and transmitted to the Township Council.

The Township Council received the Resolution and recommendations of the Planning Board, along with the *Report of Findings* and all relevant exhibits and materials. After carefully considering the analyses, findings and recommendations embodied in the Planning Board’s May 5, 2023 Resolution, the Township Council, on May 16, 2023, adopted Township Resolution No. R2023-075; thereby designating the Lanidex Study Area to be an Area in Need of Redevelopment.

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<sup>3</sup> “ARH”

<sup>5</sup> May 1, 2023

<sup>4</sup> Dated April 4, 2023 (“*Report of Findings*”) [§2.47 herein.]





**1.3.3 N.J.S.A. 40A:12A-6 provides, in pertinent part:**

*Upon the adoption of a resolution [designating an area to be In Need of Redevelopment], the clerk of the municipality shall, forthwith, transmit a copy of the resolution to the Commissioner of Community Affairs for review. ... If the Area in Need of Redevelopment is situated in an area in which development or redevelopment is to be encouraged pursuant to any State law or regulation promulgated pursuant thereto, then the determination shall take effect after the clerk has transmitted a copy of the resolution to the Commissioner...*

Township Resolution No. R2023-075 was transmitted to the NJDCA Commissioner on July 13, 2023.

As detailed in §3.4.5 and §12.5.4 herein, the Redevelopment Area is located within a PA~1 (Metropolitan) Planning Area under the New Jersey State Development & Redevelopment Plan, and the Planning Area under the New Jersey Highlands Regional Master Plan ~ both of which encourage development and redevelopment. Accordingly, the Redevelopment Area designation for the [then] Lanidex Study Area took effect with the Clerk's transmittal to the NJDCA Commissioner.

**1.4 AUTHORIZATION & PURPOSE**

Having declared the Lanidex Study Area to be In Need of Redevelopment, the next step in the Redevelopment Process is to prepare and adopt a Redevelopment Plan for the Redevelopment Area.

The purpose of this Redevelopment Plan is to provide a mechanism for the orderly (re)planning and (re)development of the Lanidex Redevelopment Area consistent with the Municipal Goals & Objectives<sup>6</sup> established herein.

This Redevelopment Plan satisfies all statutory requirements under the *Local Redevelopment & Housing Law* and, upon adoption by the Township Council, shall constitute the legal prerequisite for the Redevelopment Actions outlined herein.

<sup>6</sup> §Error! Reference source not found.4.0 herein.



## 2.0 DEFINITIONS

For the purpose of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section. Terms not defined herein shall have the meaning set forth in the Township Code. Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

- 2.1** “Ancillary Use”, “Ancillary Building” or “Ancillary Structure” shall mean an Accessory Use, Building or Structure as defined in the Township Code, except that an Ancillary Use, Building or Structure need not be on the same lot as the Principal Use, Building or Structure it supports. A building containing living space shall never be considered an Ancillary Use, Building or Structure.
- 2.2** “Blank Wall” shall mean an undifferentiated exterior building wall with few or no openings, generally constructed of a single material and uniform texture on a single plane.
- 2.3** “Building Envelope” or “Envelope” shall mean the area of the Redevelopment Parcel created by this Redevelopment Plan within which a building may be sited. The building need not fill the Envelope, and unless otherwise indicated, may be placed anywhere within the Envelope.
- 2.4** “Building Scale” shall mean the relationship between the mass of a building and its surroundings, including the width of the street, open space, and mass of surrounding buildings.
- 2.5** “Context” shall mean the character of the buildings, streetscape and neighborhood which surround a given building or site.
- 2.6** “Cornice” shall mean the top part of an Entablature, usually molded and projecting.
- 2.7** “Cupola” shall mean a small roof tower, usually rising from the roof ridge.
- 2.8** “Elevation” shall mean an exterior façade of a structure, its head-on view, or representation thereof drawn with no vanishing point.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

**2.9** “Entablature” shall mean an elaborated horizontal band along the exterior of a building, used primarily just beneath the roofline or on a building façade between floors.

**2.10** “Environmental Constraints” shall mean natural features, resources, or land characteristics that require conservation measures or creative development techniques to prevent their degradation. In certain instances, such constraints may result in limited development or may preclude development on all or portions of a lot.

For the purposes of this Redevelopment Plan, Environmental Constraints shall also include conditions placed on a property by a Relevant Permitting Agency.

**2.11** “Façade” shall mean a building face or wall.

**2.12** “Fenestration” shall mean window and other opening on a building façade.

**2.13** “Fulfillment Centers” shall mean facilities from which delivery of goods from third-party sellers are made to retail consumers from vans and other delivery vehicles. Such facilities include accessory parking and storage areas for vans and other delivery vehicles, and facilities for maintenance of such vehicles owned by the operator of the facility.

**2.14** “Governing Body” shall have the same meaning as Township Council.<sup>7</sup>

**2.15** “Highlands Council” shall mean the Highlands Water Protection and Planning Council.

**2.16** “Highlands RMP” shall mean the Highlands Regional Master Plan adopted in 2008.

**2.17** “Independent Component of a Project” see “Redevelopment Project”.

**2.18** “Lanidex Redevelopment Area” shall mean the approximately 10.545-acre (not including rights-of-way) area

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<sup>7</sup> Within the context of various sections of this document, the terms “Township”, “Governing Body, and “Parsippany” shall mean the Parsippany-Troy Hills Township Council.



**REDEVELOPMENT PLAN**  
**LANIDEX REDEVELOPMENT AREA**  
**(BLOCK 226, LOTS 3 & 3.2)**  
**PARSIPPANY-TROY HILLS**  
**MORRIS COUNTY, NEW JERSEY**

consisting of Block 226, Lots 3 and 3.2, as designated to be an Area in Need of Redevelopment by the Governing Body via Township Resolution R2023.075 and §1.0 herein.

- 2.19** “Local Lands & Building Law” shall mean N.J.S.A. 40A:12-1 et seq.
- 2.20** “Local Redevelopment & Housing Law” shall mean N.J.S.A. 40A:123A-1 et seq.
- 2.21** “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width, and depth).
- 2.22** “Municipal Land Use Law” shall mean N.J.S.A. 40A:55-1 et seq.
- 2.23** “NJCA” shall mean the New Jersey Department of Community Affairs.<sup>8</sup>
- 2.24** “NJDEP” shall mean the New Jersey Department of Environmental Protection.<sup>8</sup>
- 2.25** “NJDOT” shall mean the New Jersey Department of Transportation.<sup>8</sup>
- 2.26** “Office of Planning Advocacy” (“OPA”) shall mean the successor to the New Jersey Office of Smart Growth (“OSG”) and the Office of State Planning (“OSP”); operating out of the office of the Secretary of State under the Lieutenant Governor.
- As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.
- 2.27** “Parsippany”, “Parsippany-Troy Hills” and “Parsippany Troy-Hills Township” shall mean the Township of Parsippany-Troy Hills, a body corporate and politic, and unless otherwise indicated includes its Governing Body, elected officials, officers and staff.<sup>8</sup>
- 2.28** “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.29** “Planning Board” shall mean the Parsippany-Troy Hills Planning Board, established pursuant to the Municipal Land Use Law and operating pursuant to the various regulations of the Township Code and other Relevant statutes, including the *Local Redevelopment & Housing Law*.

<sup>8</sup> And shall include all divisions and agencies thereof.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

- 2.30** “Preliminary Investigation” shall mean the process under which the conditions in the Study Area were analyzed to determine conformance with the Statutory Criteria for Redevelopment Area designation under the *Local Redevelopment & Housing Law*.<sup>9</sup>
- 2.31** “Principal Use” or “Principal Building” shall mean the Use which is the main or primary activity on the property or the Building in which such Use takes place.
- 2.32** “Project” shall have the same meaning as “Redevelopment Project.”
- 2.33** “Project Concept(s)” shall mean the preliminary depiction of a proposed Redevelopment Project, or individual Phase or Subphase thereof, and shall include, at a minimum, a conceptual site plan, color renderings of all building elevations, floor plans, budgetary information, and associated narrative Description of Project Elements sufficient to provide the Township with an understanding of the proposed Project, Phase, or Subphase thereof.
- 2.34** “Project Elements” shall mean any component of a Redevelopment Project.
- 2.35** “Project Plan(s)” shall mean a detailed depiction of a Redeveloper’s proposed Project, individual Phase, or Subphase thereof, and shall include all submission requirements for making application to the Planning Board pursuant to the Township’s existing Subdivision and Site Plan application procedures and this Redevelopment Plan.
- 2.36** “Proportion” shall mean the relationship or ratio between two dimensions, e.g., width of street to height of building wall or width to height of a window.
- 2.37** “Publication” shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date on which this Report was finalized for printing.
- 2.38** “Redeveloper” shall mean the corporation, partnership, or other entity or entities designated by the Township as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq. and

<sup>9</sup> See also §2.47 herein.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

having entered into a Redevelopment Agreement for the purposes of advancing this Redevelopment Plan.

**2.39** “Redeveloper Candidate” shall mean the corporation, partnership, or other entity or entities selected by the Township to pursue negotiations leading a Redevelopment Agreement for the purposes of advancing this Redevelopment Plan, but whose Redevelopment Agreement has yet to be executed.

**2.40** “Redevelopment Agreement” shall mean a contract made by and between a designated Redeveloper (Candidate) and the Township<sup>10</sup>, which shall detail the specific rights, responsibilities, and obligations of both parties related to the development of a Redevelopment Project under this Redevelopment Plan.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit a Redevelopment Project from being developed as multiple components constructed in phases or subphases over time.

**2.41** “Redevelopment Area” shall have the same meaning as “Lanidex Redevelopment Area”.

**2.42** “Redevelopment Entity” shall mean the Governing Body of Parsippany-Troy Hills Township, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.

**2.43** “Redevelopment Law” shall have the same meaning as *Local Redevelopment & Housing Law*.

**2.44** “Redevelopment Plan” shall mean this instant document entitled *Redevelopment Plan: Lanidex Redevelopment Area (Block 226, Lots 3 & 3.2) Parsippany-Troy Hills Morris County, New Jersey*, prepared by **ARH ASSOCIATES** (date indicated on the front cover of this document).

Upon adoption by the Governing Body, this Redevelopment Plan shall satisfy all statutory requirements of the *Local Redevelopment & Housing Law* and shall constitute a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.

<sup>10</sup> Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

**2.45** “Redevelopment Project” shall mean the construction of buildings and/or other improvements in the Lanidex Redevelopment Area by designated Redeveloper in accordance with this Redevelopment Plan.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit or in any way limit a Redevelopment Project from being developed in Phases or Subphases over time.

Accordingly, the term “Redevelopment Project” shall be construed to include any Phases or Subphases thereof.

For the purposes of issuing a Certificate of Completion & Compliance<sup>11</sup>, an “Independent Component of a Redevelopment Project” shall mean any portion of a Redevelopment Project, Phase, or Subphase thereof, which can stand alone and be considered complete without completion of any connecting or non-connecting portion of such Project, Phase, or Subphase thereof.

**2.46** “Relevant Permitting Agencies” shall mean any combination of Federal, State, and/or County agencies having jurisdiction over the Redevelopment Area or a Redevelopment Project.

**2.47** “Report of Findings” shall mean the document entitled Report of Findings, Non-Condemnation Preliminary Redevelopment Investigation, Lanidex Study Area (Block 226, Lots 3 & 3.2), Parsippany-Troy Hills, Morris County, New Jersey prepared by **ARH ASSOCIATES** (dated April 4, 2023)<sup>12</sup>.

**2.48** “Review & Approval” shall mean the review and approval by the Planning Board of an application for Site Plan Approval, Subdivision Approval, and/or Redevelopment Plan Conformance as may be required to effectuate a Redevelopment Project.

**2.49** “Right-of-Way” or “ROW” shall mean privately- or publicly owned lands used or intended to be used for the construction of vehicular and/or pedestrian travelways (cartways), public infrastructure, and pedestrian amenities,

<sup>11</sup> §14.0 herein.

<sup>12</sup> On file with the Township Clerk and/or the Planning Board Secretary.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

and shall be construed to include all lands and improvements between the property lines of opposing Blocks and/or Lots.

**2.50** “State Plan” shall mean the *New Jersey State Development and Redevelopment Plan*, authorized via the State Planning Act of 1985 and last adopted in March 2021.

**2.51** “Street Furniture” shall mean the functional elements of the streetscape, including, but not limited to, benches, trash receptacles, planters, kiosks, streetlights, and bollards.

**2.52** “Streetscape” shall mean the built and planted elements of a Right-of-Way which define its character.

**2.53** “Study Area” shall have the same meaning as Lanidex Study Area.

**2.54** “Texture” shall mean the exterior finish of a surface, ranging from smooth to coarse.

**2.55** “Township” shall have the same meaning as Parsippany-Troy Hills Township.

**2.56** “Township Code” shall mean, unless otherwise cited, Chapter 430 of the Parsippany-Troy Hills Township Municipal Code.

**2.57** “Township Clerk” shall mean the municipal Clerk for the Township of Parsippany-Troy Hills, who is statutorily mandated custodian for the Township’s records.

**2.58** “Warehouse” shall mean a building utilized primarily for the storage and distribution of goods, which may also include accessory logistics services such as labeling, breaking bulk cardboard boxes into manageable packages, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement. This definition shall not include Fulfillment Centers.

**2.59** “Zoning/Administrative Officer” shall mean the municipal official assigned to administratively approve land use applications not rising to the level of Review & Approval under this Redevelopment Plan and which would otherwise not require approval by the Planning Board or Zoning Board of Adjustment under the Township Code.



## 3.0 PRE-EXISTING CONDITIONS

### 3.1 DELINEATION

As authorized by the Township Council, this Redevelopment Plan encompasses the Lots as described in §1.0 herein.

### 3.2 ZONING

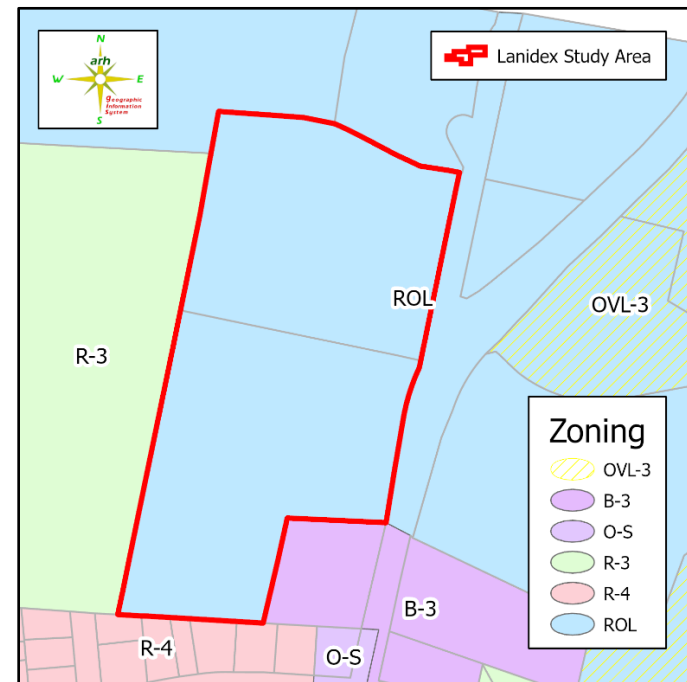
Prior to the adoption of this Redevelopment Plan, the lands subject to this Plan were located in the Township’s Research, Office and Laboratory (ROL) District. Permitted Uses and Bulk Standards for this District are embodied in Chapter 430 of the Township Code.

Upon adoption of this Redevelopment Plan, land uses and building controls herein will govern.

### 3.4 SMART GROWTH, NEW URBANISM & THE REGULATORY ENVIRONMENT

#### 3.4.3 SMART GROWTH

*Smart Growth* is a term given to planning theories and practices designed to combat the suburban sprawl experienced in New Jersey (and other states) in the post-World War II era.



Prior to the War, the nation’s population generally lived in compact neighborhoods where people could walk from their homes to work, shop, or go to school, or could take advantage



of public transportation for these needs. The post-War emergence of the American middle-class, the privately-owned automobile and the interstate and other highway systems provided the ability for people to retreat from cities to suburbia, with its larger lot sizes and cul-de-sac communities.

Over the decades, once new suburbs became old and tired. Simultaneously, the reliance on the automobile caused increased traffic congestion, as public transportation was replaced by the need to drive from ‘secluded’ communities to office parks, strip malls, and regional shopping centers.

As families perceived their quality of life diminishing, they began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban, exurbs became suburban, and the open space that heretofore separated communities is rapidly disappearing. The result was “**SPRAWL**”.

To combat sprawl while recognizing the need to accommodate ever-expanding populations, planners developed a series of principles known as Smart Growth. It is hoped that the application of these principles will redirect

(re)development to Cities and other areas with existing infrastructure, and preserve green space, while still providing for the growth demand of the population.

Smart Growth principles are generally accepted by planners and lawmakers as guidelines for effective land use and design. They have been incorporated explicitly or implicitly into the body of state and local regulations adopted to combat sprawl.

#### **3.4.4 NEW URBANISM**

Closely related to Smart Growth is the concept of New Urbanism, which is a return to the principals that historically made neighborhoods successful as communities ~ when neighbors knew one another, and the street corner and front porch were venues for friendly interaction.

While all elements may not be appropriate for every application, they should be viewed as guides for good civic design.



**Smart Growth Principles<sup>13</sup>**

- Mix Land Uses*
- Take Advantage of Compact, Clustered Community Design*
- Create a Range of Housing Opportunities and Choices*
- Create Walkable Neighborhoods*
- Foster Distinctive, Attractive Communities with a Strong Sense of Place*
- Preserve Open Space, Farmland, Natural Vistas (Scenic Resources) and Critical Environmental Areas*
- Strengthen and Direct Development Towards Existing Communities with Existing Infrastructure*
- Provide a Variety of Transportation Choices*
- Make Development Decisions Predictable, Fair and Cost Effective*
- Encourage Community and Stakeholder Collaboration in Development Decisions*

**New Urbanism Principles<sup>14</sup>**

- Walkability*
- Connectivity*
- Mixed-Use & Diversity*
- Mixed Housing*
- Quality Architecture & Urban Design*
- Traditional Neighborhood Structure*
- Increased Density*
- Green Transportation*
- Sustainability*
- Quality of Life*

<sup>13</sup> <http://smartgrowth.org/smart-growth-principles/>

<sup>14</sup> <http://newurbanism.org/newurbanism/principles.html>



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

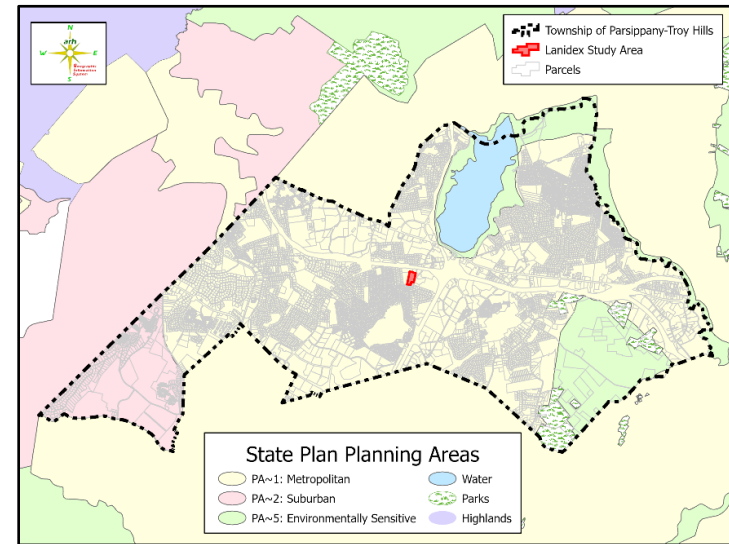
**3.4.5 STATE DEVELOPMENT & REDEVELOPMENT PLAN**

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*.<sup>15</sup> promulgated by the State Planning Commission<sup>16</sup>, as the equivalent of a statewide master plan to guide development and investment, this document is an outline of the State’s policies related to Smart Growth and general planning principles.

Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey<sup>17</sup>, the *State Plan* is the controlling policy guide regarding growth related issues on a statewide level.

The *State Plan* classifies the section of the Township under jurisdiction of this Redevelopment Plan as a ‘PA~1 (Metropolitan) Planning Area’. As detailed in *the State Plan*:

*PA~1 (METROPOLITAN) PLANNING AREAS are designed to provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older*



*suburbs; redesign areas of sprawl; and protect the character of existing stable communities.*<sup>18</sup>

To accomplish these goals, the *State Plan* has established a number of Policy Objectives. Pertinent to this Redevelopment Plan:<sup>19</sup>

**LAND USE:** *Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified*

<sup>15</sup> “State Plan”

<sup>16</sup> In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

<sup>17</sup> Principally, but not exclusively, NJDCA and NJDEP.

<sup>18</sup> *State Plan* p. 186

<sup>19</sup> *State Plan*: pg. 191-192



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

**ECONOMIC DEVELOPMENT:** Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

**TRANSPORTATION:** Maintain and enhance a transportation system that capitalizes on high density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit-oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages...

**REDEVELOPMENT:** Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

**PUBLIC FACILITIES AND SERVICES:** Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

**INTERGOVERNMENTAL COORDINATION:** Regionalize as many public services as feasible and economical to enhance the cost-effective delivery of those services. Establish multi-jurisdictional policy and planning entities to guide the efforts of state, county and municipal governments to ensure compatible and coordinated redevelopment.

### **3.4.6 IMPLICATIONS FOR THE REDEVELOPMENT PLAN**

The Smart Growth Planning Principles adopted by the *State Plan* are largely design- and process-based guidelines which become operationalized in the form of land use regulations and building controls. This Redevelopment Plan addresses ~ to the maximum extent practicable ~ Smart Growth Policy



Objectives embodied in the *State Plan* as appropriate to the Lanidex Redevelopment Area.

### 3.5 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

The Preliminary Investigation undertaken for the Lanidex Redevelopment Area did not identify wetlands, wetlands buffers, or subsurface contamination as potential constraints to this Redevelopment Plan.

#### 3.5.3 HABITAT/THREATENED & ENDANGERED SPECIES

While NJDEP has not mapped threatened or endangered species habitat in or around the Lanidex Redevelopment Area, the U.S. Fish & Wildlife Service has identified the following species at or near the Area:

- Northern Long-eared Bat<sup>20</sup>;
- Indiana Bat<sup>21</sup>;
- Tricolored Bat<sup>22</sup>;
- Bog Turtle<sup>23</sup>, and
- Monarch Butterfly<sup>24</sup>

<sup>20</sup> *Myotis septentrionalis*: Threatened Species

<sup>21</sup> *Myotis sodalist*: Endangered Species

<sup>22</sup> *Perimyotis subflavus*: Proposed Endangered

A Natural Heritage Database Request and a request to the U.S. Fish & Wildlife Service are required to confirm the actual species presence within or proximity to the Redevelopment Area. Once the presence of species is confirmed, a buffer may be required.

### 3.6 GOVERNMENTAL APPROVALS

Based on the information available to the Township at Publication, Governmental Approvals known or believed to be applicable to this Redevelopment Plan include, but may not be limited to:

- Parsippany-Troy Hills Township Council for determination of Redevelopment Plan Conformance;
- Parsippany-Troy Hills Planning Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made by the Township's professionals in accordance with standard operating procedures;
- Parsippany-Troy Hills Department of Construction for Construction Permitting;

<sup>23</sup> *Glyptemys muhlenbergii*: Threatened

<sup>24</sup> *Danaus plexippus*: Candidate



***REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY***

- Morris County Conservation District for Soil Erosion and Sediment Control Plan certification;
- Morris County Planning Board for Subdivision approval (if applicable) and Site Plan approval (or exemption) related to Parsippany Road;
- Parsippany-Troy Hills Water Department and Sewer Utility for water and sewer permitting;
- Parsippany-Troy Hills Parks & Forestry for tree removal permitting;
- NJDEP for wetlands and other environmental permitting, sewer and water extension permitting, and such other permitting as may be required;
- Highlands Water Protection and Planning Council for such permitting as may be necessary; and
- United States Army Corps of Engineers, U.S. Environmental Protection Agency and/or the U.S. Fish & Wildlife Service for Federal regulations which may be applicable.



## 4.0 MUNICIPAL GOALS & OBJECTIVES

### 4.1 GENERAL STATEMENTS

**4.1.1** This document constitutes a Redevelopment Plan under the provisions of the *Local Redevelopment & Housing Law*. The purpose of this document is to provide the mechanism, via one or more public/private partnerships, for the creation of one or more single-use project(s) within the Lanidex Redevelopment Area; thereby advancing the Goals & Objectives detailed herein.

Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to negotiate and enter into a Redevelopment Agreement with a selected Redeveloper Candidate for the purposes of advancing the Goals & Objectives articulated herein.

**4.1.2** The Goals & Objectives articulated herein shall constitute the guiding principles for the activities anticipated under this Redevelopment Plan. Such activities may be undertaken by the Township or by a designated Redeveloper.

Township Policymakers recognize that it may be necessary to subordinate a particular Goal or Objective, or certain aspects of a particular Goal or Objective, in order to achieve other, more imperative, Goals or Objectives. Within this context, the quantitative or qualitative value of any of the stated Goals or Objectives, as well as their relative importance to the Township and thus this Redevelopment Plan, shall be determined exclusively by the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

***Readers should therefore attach no importance to the order in which these Goals and Objectives are presented.***

**4.1.3** This Redevelopment Plan does not attempt to anticipate every possible Project Concept or land use solution. The provisions of this Plan have been crafted to provide qualified Redevelopers the flexibility necessary to develop Project(s) which advance(s) these Goals & Objectives.



**4.1.4** Township Policymakers recognize the financial and planning realities related to the redevelopment of the Redevelopment Area and are in a position to make available such assistance as may be at the Township's disposal ~ through the powers of the *Redevelopment Law* and/or other pro-development agencies and programs ~ should a particular project so merit.

Such assistance may include, but need not be limited to endorsing and/or ~ with the designated Redeveloper ~ making application for state and federal grant funds; endorsing and/or ~ with the designated Redeveloper ~ making application for state / federal environmental / other permits required to advance a Project; negotiating favorable property tax mechanisms;<sup>25</sup> and amending this Redevelopment Plan should such actions, in the sole opinion of the Township, be reasonably necessary to produce a superior product.

Any such assistance shall be addressed within the context of the Redevelopment Agreement to be negotiated between the Township and Redeveloper Candidate.

***Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the Lanidex Redevelopment Area shall be permanently and irrevocably restricted against being constructed, occupied, or used in a manner that renders them exempt from payment of municipal property taxes. Such lands and improvements shall be permanently and irrevocably restricted against such construction, occupancy, or use.***

**4.1.5** Responsibility (financial or otherwise) for the remediation of any conditions found to exist within, on or under any Redevelopment Plan property, or for compliance with any State or Federal requirements related thereto, shall be addressed between the Redeveloper and the current property owner in accordance with applicable laws and regulations.

To the extent pertinent, such issues shall be recognized and addressed with the context of the Redevelopment Agreement to be negotiated between the Township and Redeveloper Candidate.

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<sup>25</sup> i.e., the granting of tax abatement, Payment-in-Lieu-of-Tax (P.I.L.O.T.) Agreements, Economic Redevelopment & Growth Grant (ERGG) funding and Redevelopment Area bonds under applicable programs.



## 4.2 MUNICIPAL LAND USE LAW

This Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law*<sup>26</sup> by:

- Constituting municipal action to guide the appropriate use and redevelopment of lands in a manner which will promote the public health, safety, morals, and general welfare;
- Providing for Redevelopment Projects in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;
- Ensuring that the Redevelopment Projects will provide adequate light, air, and open space;
- Ensuring that redevelopment of the Lanidex Redevelopment Area does not conflict with the development and general welfare of neighboring municipalities, the County, and State as a whole;
- Providing sufficient space in appropriate locations for commercial uses according to their respective environmental requirements in order to meet the need of Township citizens;
- Locating a Redevelopment Project in order to utilize existing transportation routes in order to promote the free flow of traffic and avoid congestion and blight;
- Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;
- Preventing urban sprawl and degradation of the environment through improper use of land;
- Encouraging planned development which will incorporate the best features of design and relate the type, design, and layout of development to the Redevelopment Area;
- Encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- Promoting the utilization of renewable energy resources;
- Promoting the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;

<sup>26</sup> N.J.S.A. 40:55D-2



### 4.3 REDEVELOPMENT PLAN GOALS & OBJECTIVES

- 4.3.1 Reverse or remove the conditions documented in the *Report of Findings*<sup>27</sup> which led the Township to initiate the Redevelopment Process for Block 226 Lots 3 & 3.2.
- 4.3.2 Eliminate negative and/or blighting influences. Prevent the spread of such influences by the application of comprehensive Redevelopment Plan controls.
- 4.3.3 Remove and replace substandard and/or un/underproductive buildings or improvements where renovation/rehabilitation is not practicable or desirable, including where such buildings or improvements do not lend themselves to reuse in a manner consistent with this Redevelopment Plan.
- 4.3.4 Maximize tax revenue, generate tax ratables or otherwise provide for a return to the public sector<sup>28</sup> by the (redevelopment)and active(re)use of un/underutilized and/or un/underproductive lands which represent a lost opportunity for valuable contribution to the welfare of the community.

***Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the Redevelopment Area shall be permanently and irrevocably restricted against being constructed, occupied, or used in a manner that renders them exempt from payment of municipal property taxes. Such lands and improvements shall be permanently and irrevocably restricted against such construction, occupancy, or use.***

- 4.3.5 Stimulates development for the Lanidex Redevelopment Area by permitting flexibility in land use, project design and building regulations while protecting, to the extent practicable, the surrounding built and natural environment.
- 4.3.6 Reorganize and replan the Redevelopment Area via a combination lot consolidation and appropriate planning mechanisms in order to create a Redevelopment Parcel of appropriate size and shape to facilitate a market-driven Project designed to advance and achieve the Municipal Goals & Objectives detailed herein.

<sup>27</sup> §2.47 herein.

<sup>28</sup> Via P.I.L.O.T or other appropriate mechanisms.



**REDEVELOPMENT PLAN**  
**LANIDEX REDEVELOPMENT AREA**  
**(BLOCK 226, LOTS 3 & 3.2)**  
**PARSIPPANY-TROY HILLS**  
**MORRIS COUNTY, NEW JERSEY**

**4.3.7** Provide for land uses designed to stimulate, strengthen, and enhance the Township's economic base and provide for increased employment and business opportunities ~ including opportunities for Township residents ~ resulting from the (re)development and operation of a significant Redevelopment Project in the Redevelopment Area; and by so doing;

- Attract new businesses and retain and expand existing businesses in the Township; and thereby create business opportunities via the purchase of goods and services by the Redevelopment Project;
- Create direct employment opportunities and secondary employment by businesses providing goods and services to the Redevelopment Project; and
- Create jobs targeting the full spectrum of skill-levels; thereby supporting the widest possible employment base for Township and non-Township residents during construction and operation of the Project.

**4.3.8** Institute provisions to promote a comprehensively planned Redevelopment Project in a mutually supportive environment consistent with Smart Growth/New Urbanism Principles<sup>29</sup>;

**4.3.9** Provide for the appropriate siting and development of warehousing and other non-residential uses for which there is a high regional demand;

**4.3.10** Provide for the appropriate siting of truck-dependent development in a highly accessible location near Interstates 80 and 287, as well as U.S. Routes 46 and 202;

**4.3.11** Provide for adequate (surface and/or structured) parking to support the Redevelopment Project;

**4.3.12** Promote the efficient and affective provision of necessary infrastructure and related services for the Redevelopment Area while addressing economic, regulatory, and permitting issues which may impede such improvements.

**4.3.13** Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to Township residents which may result from under regulated uses within the Redevelopment Area. Such impacts may include, but are not limited to, provision of municipal services and increase in

<sup>29</sup> §2 herein.



school district taxes related to an increase in the number of students enrolled in the Township's school system arising from a residential development.

**4.3.14** Utilize zoning, tax abatement, and other financial and non-financial incentives and programs where appropriate, to achieve these Goals & Objectives.

**4.3.15** Provide for appropriate aesthetics, visibility, and security.

**4.3.16** To the extent reasonably practicable, work with the designated Redeveloper to minimize disruption to the land uses adjacent to the Redevelopment Area during and after construction.

**4.3.17** Establish, where required by the Relevant Permitting Agencies, such Environmental Protection Measures as may be necessary and appropriate to protect any environmentally sensitive lands within or adjacent to the Redevelopment Area.



## 5.0 ANTICIPATED REDEVELOPMENT ACTIONS

### 5.1 ANTICIPATED REDEVELOPMENT ACTIONS

The Redevelopment Actions anticipated under this Redevelopment Plan consist of:

- A. Establishing land use, building and other controls governing the form and function of the anticipated Redevelopment Project<sup>30</sup>;
- B. Naming of a Redeveloper Candidate and subsequent negotiations therewith leading to a Redevelopment Agreement and Redeveloper designation;
- C. Redeveloper design, permitting, and construction of the approved Redevelopment Project; and
- D. Voluntary acquisition by the designated Redeveloper of any privately-owned lands as may be required to effectuate the anticipated Redevelopment Project<sup>31</sup>;
- E. Identification of infrastructure improvements required to support the Redevelopment Project<sup>32</sup>;
- F. Such other actions as may be necessary and convenient to effectuate this Redevelopment Plan.

### 5.2 AUTHORITY

The Parsippany-Troy Hills Township Council is designated Redevelopment Entity<sup>33</sup> for this Redevelopment Plan.

### 5.3 REDEVELOPER DESIGNATION

Upon adoption of a Redevelopment Plan, and pursuant to N.J.S.A. 40A:12A-8 f. & g., designated Redevelopment Entities are empowered to solicit for and negotiate and enter into Redevelopment Agreements with designated Redevelopers for the purposes of advancing the municipality's goals and objectives for the Redevelopment Area.

<sup>30</sup> §6.0 – §10.0 herein.

<sup>31</sup> §5.5 herein.

<sup>32</sup> §8.0 & 9.0 herein.

<sup>33</sup> §2.42 herein.



## 5.4 REDEVELOPMENT AGREEMENT

Upon designation of an entity as Redeveloper Candidate, the Township shall commence negotiations leading to a Redevelopment Agreement with such entity. Such Agreement shall include, at a minimum:

- The Project Concept and Description of Project Elements for the undertakings proposed;
- Details regarding compliance with the Municipal Goals & Objectives<sup>34</sup> of this Redevelopment Plan;
- Provisions for such Redeveloper Candidate / Redeveloper escrow(s) as may be deemed necessary to cover Township costs related to this Redevelopment process.
- Anticipated schedule for the commencement and completion of Project improvements, including design, permitting, construction, and opening;
- Environmental and other indemnification and insurance requirements;
- Provisions for termination of Redeveloper status in the event of default by the Redeveloper;
- Affordable Housing obligations;
- Issues identified within the body of this Redevelopment Plan as being subject to such Agreement; and
- Such other provisions as may arise during the negotiations, or which may be required by law.

## 5.5 ACQUISITION & CONVEYANCE

### 5.5.1 ACQUISITION

- A. Block 226, Lots 3 and 3.2 are privately owned.
- B. The *Redevelopment Law*<sup>35</sup> specifically prohibits municipalities from acquiring lands for Redevelopment Projects via eminent domain in Non-Condemnation Redevelopment Areas such as the Lanidex Redevelopment Area.

No Township acquisition or conveyance is therefore required to effectuate this Redevelopment Plan<sup>36</sup>.

<sup>34</sup> §4.0 herein.

<sup>35</sup> N.J.S.A. 40A:12A-6 & 8

<sup>36</sup> The Township retains the powers of eminent domain for public uses such as Rights-of-Way and other qualifying purposes under the New Jersey *Local Lands & Buildings Law* (N.J.S.A. 40:60-1 et seq.), *Public Parks & Playgrounds Law* (N.J.S.A. 40:61-1 et seq.) or other related legislation.



- C. The Redeveloper shall be responsible for the private, voluntary acquisition of lands within the Redevelopment Area in furtherance of the Redevelopment Project.

### **5.5.2 REDEVELOPER'S RESPONSIBILITIES UPON ACQUISITION**

- A. Upon acquisition of any lands within the Redevelopment Area, and subject to the provisions of the negotiated Redevelopment Agreement, the designated Redeveloper shall be responsible for all taxes which become due and owing on all property so owned or acquired; for all demolition, site work, and remediation; and for all planning, engineering, permitting, and other activities necessary for the development of the Redevelopment Project in accordance with this Plan.
- B. Redevelopment Area designation does not relieve property owners of their responsibilities to maintain their property, regardless of how or when acquired, in a safe, healthful, and aesthetically acceptable condition.
- C. Such responsibilities attach to properties owned by a Redeveloper Candidate and/or designated Redeveloper, regardless of how or when their lands were acquired.

### **5.5.3 PROPERTY DESIGNATED NOT-TO-BE-ACQUIRED**

- A. Unless acquired prior to Publication of this Redevelopment Plan, Block 266, Lots 3 and 3.2 are subject to private Redeveloper acquisition pursuant to this §5.5 herein.
- B. This Redevelopment Plan operates under a Non-Condemnation Area designation. Accordingly, no lands under the jurisdiction of this Plan may be acquired via eminent domain for transfer to a Redeveloper. Such classification notwithstanding, the Township reserves the right to work with Morris County and the Redeveloper to improve such Rights-of-Way as may be required to meet the needs of a Redevelopment Project.

### **5.6 FINANCIAL ASSISTANCE**

Subject to the provisions of a negotiated Redevelopment Agreement, the Township may agree to provide tax abatement, a P.I.L.O.T arrangement and/or other financial assistance should a particular Project, at the sole discretion of the Governing Body, merit and require such assistance.



## 6.0 STANDARDS & CONTROLS OF GENERAL APPLICABILITY

### 6.1 GOVERNING REGULATIONS

**6.1.1** All activities within the Redevelopment Area shall be governed by the provisions of this Redevelopment Plan, which were crafted to provide a setting within which the Redeveloper and its designers are encouraged to generate detailed plans to produce Projects of outstanding design and superior quality. Taken collectively, these provisions are intended to guide the use, massing and aesthetics of various building types in order to provide for Projects under this Plan. Within this framework, Redevelopers and designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives<sup>37</sup> detailed herein.

**6.1.2** The provisions of this Redevelopment Plan are those of the Township of Parsippany-Troy Hills and do not substitute for any law, code, rule or regulation established by any County, State or Federal agency. All development under this Plan shall comply with such laws, codes, rules and regulations as applicable.

**6.1.3** Except where otherwise modified by this Redevelopment Plan, all property within the Redevelopment Area shall be governed by the standards and regulations contained in the Township Code. By reference, such provisions are included in and adopted by this Redevelopment Plan.

**6.1.4** Should a County, State or Federal code or regulation contain comparable but less restrictive provisions than set forth herein, the standards set forth herein shall govern.

**6.1.5** Interpretation or clarification of any conflicts or inconsistencies between provisions of the Township Code and this Redevelopment Plan shall be made by the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan. Unless clearly dictated by the circumstances involved, any such conflict or inconsistency shall be resolved in favor of the provisions of this Plan.

<sup>37</sup> §4.0 herein.



## **6.2 REVIEW PROCEDURES, INTERPRETATIONS & RESPONSIBILITIES**

### **6.2.1 APPROVAL PROCESS**

- A. As part of the Redevelopment Agreement process<sup>38</sup>, the Township Council, acting in its capacity as the Redevelopment Entity for this Redevelopment Plan, shall review and approve the Project Concepts and Description of Project Elements proposed for the Redevelopment Project. Such approval shall both accept the Project for the community and ensure that the Project is consistent with this Redevelopment Plan.
- B. Understanding that Project(s) of the magnitude envisioned by this Redevelopment Plan necessarily evolve from concept to final design, the following approval process is established:
1. The designation of as Redeveloper Candidate<sup>38</sup> shall serve as the Township Council's approval of such Project Concepts and Description of Project Elements, and as conditional certification of the Project's consistency with this Redevelopment Plan.
  2. The action of entering into a Redevelopment Agreement with a Redeveloper Candidate shall serve as the Township Council's final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project's consistency with this Redevelopment Plan.
- C. Consistent with its responsibilities under the *Redevelopment Law*<sup>39</sup>, the Planning Board shall review and approve the Project Plans for the Redevelopment project in accordance with the requirements for review and approval of subdivisions and site plans set forth by the Township Code and the *Municipal Land Use Law*.
- No application for Site Plan or Subdivision Approval shall be heard by the Planning Board unless and until the Township council, acting as Redevelopment Entity for this Redevelopment Plan, has granted final approval of

<sup>38</sup> §5.4 herein.

<sup>39</sup> N.J.S.A. 40A:12A-13



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

the Project Concepts and Description of Project Elements in accordance with §6.2.1 B. herein.

D. Within the context of §6.2.1 A., B. and C. herein, and subject to the requirements of the Relevant Permitting Agencies, as applicable:

1. The Township Council shall retain sole authority for the interpretation or clarification of the provisions of this Redevelopment Plan, including the permissibility of any use proposed. Such authority shall include whether or not any proposed use conforms with or falls under any of the several categories of Permitted Uses enumerated herein.
2. The Planning Board shall retain authority for the review and approval of all site plans and subdivisions proposed under the Redevelopment Plan. Appeal of any interpretation or clarification made by the Planning Board during the course of the Review & Approval process shall be made to the Township

Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan; or to the Relevant Permitting Agencies, as applicable.

3. Consistent with the applicable provisions of the *Municipal Land Use Law*, the Planning Board shall retain the right, at time of Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and welfare arising from a particular Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Goals & Objectives<sup>40</sup> of this Plan.

Appeal of a Planning Board interpretation of “necessary” and “proportionate” shall be made by the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

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<sup>40</sup> §4.0 herein.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

4. Unless Planning Board approval is required by this Redevelopment Plan or by applicable sections of the Township Code and/or the Municipal Land Use Law, administrative land use approvals shall be governed by the procedures established in the Township Code.

#### **6.2.2 VARIANCES, DEPARTURES, DEVIATIONS, & DESIGN WAIVERS**

The provisions of this Redevelopment Plan flow from the Township's power to (re)plan designated Redevelopment Areas under the *Local Redevelopment & Housing Law*<sup>41</sup> and not from the Township's power to zone under the *Municipal Land Use Law*<sup>42</sup>. It is therefore within the context of the *Redevelopment Law* and not the *Municipal Land Use Law* that the Township has adopted the Land Use and other provisions of this Redevelopment Plan. Accordingly:

- A. This Redevelopment Plan does not recognize the 'use ('d') variance' process under the *Municipal Land Use Law*<sup>43</sup>. Principal Uses proposed but not permitted by this Redevelopment Plan shall require formal Plan amendment.

Certain Ancillary Uses, or specific elements or components of a Principal Use proposed by a Redeveloper but not envisioned by this Redevelopment Plan, may be permitted upon petition to the Township Council and the Council's determination, in its sole and absolute discretion, that such use is consistent with the Municipal Goals & Objectives<sup>40</sup> of this Plan.

- B. This Redevelopment Plan does not recognize the 'bulk ('c') variance' process under the *Municipal Land Use Law*<sup>44</sup>. The processes for deviating from specific Building Limit Controls and other design regulations follows:

1. Deviations

With the exception of regulations pertaining to Maximum Building Height, the Planning Board may, at time of review & Approval and without formal amendment to this Redevelopment Plan, approve departures from the Building Limit Controls and the quantifiable requirements of the Architectural Controls,

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<sup>41</sup> N.J.S.A. 40A:12A-7

<sup>43</sup> N.J.S.A. 40:55d-70d

<sup>42</sup> N.J.S.A. 40:55D-62

<sup>44</sup> N.J.S.A. 40:55d-70c



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

Circulation, Parking & Loading Plan, Infrastructure Controls and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan as may be requested by a Redeveloper.

Deviations shall only be granted for departures that are consistent with the intent of this Redevelopment Plan.

Requests for such relief shall require clear justification as to why the standard should be relaxed. Such justification shall generally conform with the requirements for Variance relief under N.J.S.A. 40:55D-70c., which otherwise would be required were the Project not developed under this Redevelopment Plan.

In reviewing such requests, the Planning Board shall have the flexibility to consider the request on the totality of its merits and not on the rigid requirements of the Positive and Negative Criteria required for Variance relief.

2. Design Waivers

- a. A Redeveloper Candidate may petition the Township Council for departure(s) from the non-quantifiable provisions of the Architectural Controls; Circulation, Parking, & Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping, & Lighting Provisions of this Redevelopment Plan in the form of Design Waivers requested as part of the Redevelopment Agreement negotiations process<sup>45</sup>.

Any Design Waiver accepted by the Township Council shall explicitly be included as an exhibit to the executed Redevelopment Agreement, upon which it shall be treated as being consistent with this Redevelopment Plan. Waivers not so included shall be considered invalid.

- b. A Redeveloper may petition the Planning Board for departures from the non-quantifiable provisions of the Architectural Controls; Circulation, Parking &

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<sup>45</sup> §5.4 herein.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan in the form of Design Waivers requested at time of Review & Approval. Requests for such relief shall require clear justification as to why the standard should be relaxed.

- c. Design waivers shall only be granted for a Project whose totality of architecture exhibits ~ in the sole opinion of the Township Council if under subsection a. herein or the Planning Board if under subsection b. herein ~ superior design and quality, and further provided that such departure(s) are, in the opinion of the Township Council or Planning Board, as the case may be, consistent with the intent of this Redevelopment Plan.

In reviewing any such request(s), the Township Council or Planning Board, as the case may be, shall consider any individual request on the totality of its merits within the context of all such Waivers requested.

- 3. The provisions of §6.2.2 B. herein notwithstanding, departure(s) from the requirements of this Redevelopment Plan necessitated to bring a Redevelopment Project into conformance with the regulations of any Relevant Permitting Agency may be permitted without formal Plan amendment, regardless of the percentage departure required, provided that such departure(s) are reviewed and accepted by the Planning Board within the context of the affected Project element. Departure(s) not accepted by the Planning Board shall require formal Plan Amendment.
- C. The Redevelopment provisions detailed herein are intended to work collectively in order to create a unified fabric of complimentary uses and structures within the Lanidex Redevelopment Area. As a result of such interrelationships, and Deviation or Departure from a specific Redevelopment Plan provision will likely impact other Plan provisions. Accordingly, any request for Deviation or Departure shall be reviewed within the context of the entirety of the Redevelopment provisions to insure than all such impacts are identified and, to the extent practicable, minimized.



### 6.2.3 PERMITTED USES (GENERAL)

A. Permitted Uses under this Redevelopment Plan are designed to provide for a critical mass of diverse yet complementary activities in order to achieve the Municipal Goals & Objectives<sup>46</sup> of this Plan.

1. Subject to interpretation or clarification under §6.1.5 and §6.2.1 D. herein, Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated for the Redevelopment Parcel under §7.2 herein. ***Uses not specifically enumerated herein as Permitted are prohibited.***
2. Redevelopers may engage in such uses themselves or may lease or sell a portion or portions of a Project to a third-party operator who will undertake such uses.

B. ***Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the Lanidex Redevelopment Area shall be permanently and irrevocably restricted against being constructed, occupied,***

***or used in a manner that renders them exempt from payment of municipal property taxes.***

***Such lands and improvements shall be permanently and irrevocably restricted against such construction, occupancy, or use.***

<sup>46</sup> §4.0 herein.



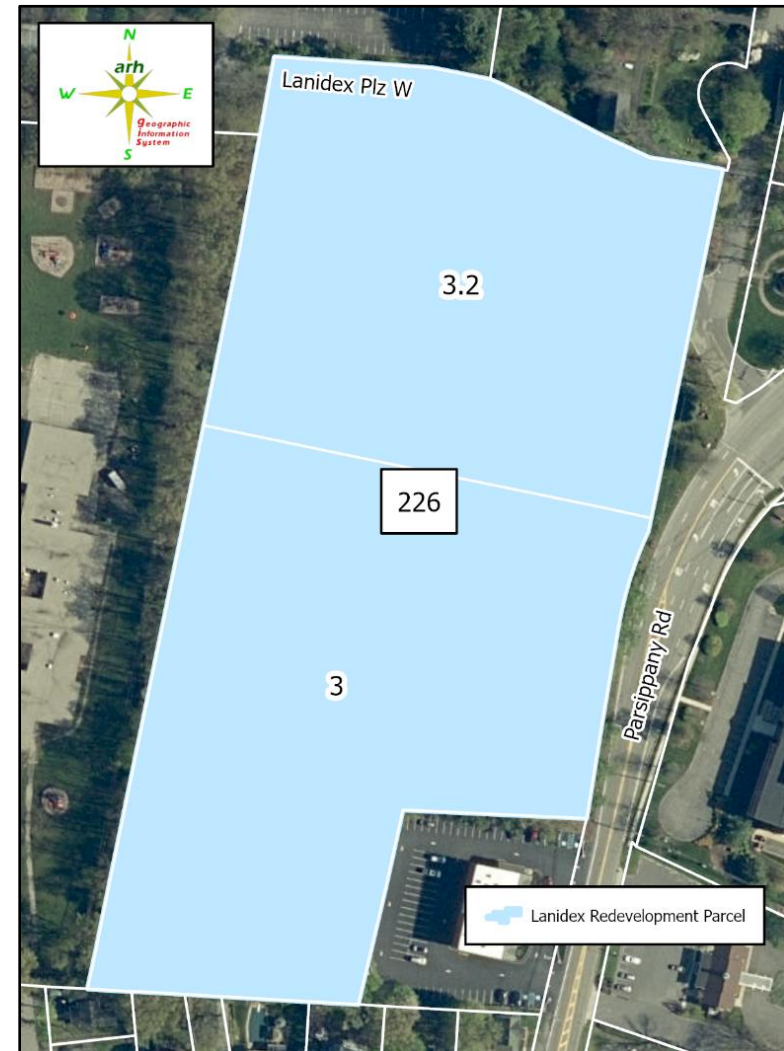
## 7.0 LAND USE PLAN

### 7.1 OVERVIEW

**7.1.1** This Land Use Plan consolidates Block 266, Lots 3 and 3.2 into a single Redevelopment Parcel based on the geometry of the lands involved.

Development Regulations establish specific land use and building limit controls for the physical redevelopment of Redevelopment Area. Within this framework, the Redeveloper is encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives<sup>4646</sup> of this Redevelopment Plan.

**7.1.2** This Land Use Plan assumes that Parsippany Road and Lanidex Plaza West will generally remain in their current geometry, but may be modified in some form to improve traffic flow in this section of the Township. Specific improvements will naturally be dependent on the needs of the Redevelopment Project and are therefore beyond the scope of this Redevelopment Plan.





## 7.2 DEVELOPMENT REGULATIONS

The following Development Regulations provide standards for the physical (re)development of the Lanidex Redevelopment Area. They are intended to guide the massing and aesthetics of the land uses and building types permitted.

Within this framework, the Redeveloper and its designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives<sup>46</sup> of this Redevelopment Plan.

### 7.2.1 PERMITTED PRINCIPAL USES & STRUCTURES

- A. Fulfillment Centers as defined in §2.13 herein.
- B. Warehouses as defined in §2.58 herein.

### 7.2.2 PERMITTED ANCILLARY USES & STRUCTURES

- A. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
- B. Zero Emission Vehicle Fueling & Charging Stations, subject to the provisions of §12.9 herein.

- C. Subject to the provisions of Circulation, Parking, & Loading Plan<sup>47</sup> herein, surface parking to support a Permitted Principal Use.
- D. Offices that are accessory to a Permitted Principal Use.
- E. Retail space and cafeterias that are accessory to a Permitted Principal Use for the exclusive use of employees, located inside the same building as the Principal Use.
- F. Indoor/outdoor recreational amenities and dining areas that are accessory to a Permitted Principal Use and for exclusive use of employees.
- G. Gatehouse or security guard house.
- H. Trash/recycling enclosures.
- I. Subject to the provisions of §7.2.4 herein, the jurisdiction of all Relevant Permitting Agencies, and/or any terms or conditions addressed within the context of the

<sup>47</sup> §8.0 herein.



**REDEVELOPMENT PLAN**  
**LANIDEX REDEVELOPMENT AREA**  
**(BLOCK 226, LOTS 3 & 3.2)**  
**PARSIPPANY-TROY HILLS**  
**MORRIS COUNTY, NEW JERSEY**

Redevelopment Agreement, Construction Staging and/or Sales Trailers for the construction and/or marketing of a Redevelopment Project, including materials storage, trailers for office use, parking, and all other activities normally associated with development.

**7.2.3 BUILDING LIMIT CONTROLS**

Buildings shall be oriented toward (i.e., have their functional front facing) Lanidex Plaza West.

While buildings may vary in terms of footprint and architectural elevations, they shall generally be compatible and complementary in scale, style, and detailing to the neighboring buildings. Site and building design shall employ mass, scale, layout, materials, architectural, and other distinguishing features in order to establish character and prominence under a New Urbanism model.<sup>48</sup>

Within the context of the foregoing, the following site and building controls shall be flexibly interpreted in order to achieve these design goals.

CATEGORY		REGULATION
Minimum Lot Size		10 acres
Minimum Lot Width		450'
Minimum Lot Depth		500'
<b>Principal Structures</b>		
Minimum Setback	Parsippany Road	100'
	All Other Property Boundaries	50'
Maximum Building Height		50'
Maximum Building Coverage		40%
Maximum Impervious Coverage		75%
<b>Ancillary Structures</b>		
Maximum Number	Accessory Structure	1 / tenant
	Gatehouse	1
Maximum Size	Accessory Structure	5,000 s.f. / tenant
	Gatehouse	300 s.f.
Minimum Setbacks from all Property Lines		40'
Maximum Building Height		20'
Minimum Distance between Buildings		As directed by the Fire Official

**7.2.4 CONSTRUCTION STAGING & SALES TRAILERS**

- A. Construction Staging/Sales Trailer Areas shall be enclosed by a lockable fence, which shall be removed upon completion of the Project, Phase, or Subphase thereof, for which the Area is intended.

<sup>48</sup> §3.4.4



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

- B. Any and all property belonging to any contractor shall be removed upon the completion of the work by said contractor, regardless of whether the totality of construction is completed.
- C. Unless used for a subsequent Phase or Subphase of a Redevelopment Project, all Construction Staging/Sales Trailer Areas shall be returned to their pre-construction condition upon completion of the Project, Phase, or Subphase thereof for which the Area is intended or shall be otherwise addressed as a finished component of the Project.
- D. In no event shall a Construction Staging/Sales Trailer Area, construction fence or the storage of equipment or materials remain in place for longer than 1 month after issue of the last Certificate of Completion & Compliance<sup>49</sup> for the last Phase or Subphase of the Project for which the Area, fence, equipment, or materials are intended.
- E. To effectuate the foregoing, the Redeveloper or each entity responsible for a Construction Staging/Sales Trailer Area shall post a bond, performance guarantee, or other surety

with the Township, in an amount to be established by the Township Engineer, sufficient to compensate the Township for any costs incurred by the municipality in returning the area to its pre-development condition or to otherwise address the area as a finished component of the Project.

In the event that the entity responsible for removing the Construction Staging/Sales Trailer Area and returning such Area to its pre-development (or finished) condition fails to do so as required herein, the Township shall claim payment under the bond, performance guarantee, or other surety, as the case may be, for the cost of the actions required to remove the Area and return it to its pre-development (or finished) condition, including all legal and administrative costs related thereto.

- F. Staging for construction of an off-tract improvement (i.e., construction outside of the Redevelopment Area) shall be permitted, provided such construction directly relates to the Redevelopment Project, including, but not limited to, traffic, infrastructure, or parking related improvements.

<sup>49</sup> §14.0 herein.



Staging for construction of an off-tract improvement not related to the Redevelopment Project shall require approval of the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

- G. Unless Planning Board approval is required by this Redevelopment Plan or by the Township Code, activities under this §7.2.4 shall be approved by the Zoning Officer (in consultation with the Township Engineer or other officials as may be necessary), who may impose such restrictions and/or conditions as may be deemed reasonable and appropriate for the protection of Township infrastructure, the environmentally sensitive lands within or adjacent to the Redevelopment Area, and adjacent properties and land uses, both within and outside the lands under this Redevelopment Plan.

Such conditions may include, but need not be limited to, buffering and screening, provisions concerning hours of operation, vehicular and delivery access, and site lighting.

- H. Interpretation of any provision of this section shall be made by the Zoning Officer, which shall be exercised in accordance with the standards set forth herein for the protection of the public and the adjacent built and natural environment.

## **7.3 ARCHITECTURAL CONTROLS**

### **7.3.1 GENERAL**

- A. In conceptualizing their Projects, Redevelopers and designers shall recognize the significance of this development opportunity for the Township and shall generate designs which will achieve the Municipal Goals & Objectives<sup>50</sup> of this Redevelopment Plan.
- B. These Architectural Controls address the overall detailing of the buildings within the Lanidex Redevelopment Area in order to provide a framework for development while encouraging flexibility and diversity in design. They are intended to serve as guidelines for Redevelopers, designers, builders, and occupants of the Redevelopment Area.

<sup>50</sup> §4.0 herein.



**REDEVELOPMENT PLAN**  
**LANIDEX REDEVELOPMENT AREA**  
**(BLOCK 226, LOTS 3 & 3.2)**  
**PARSIPPANY-TROY HILLS**  
**MORRIS COUNTY, NEW JERSEY**

- C. The following written controls are enhanced by the graphics included throughout this section, which were selected to illustrate the concepts at issue and reflect overall design intent. ***They are not intended to depict actual design mandates.***

Within this context, buildings may vary in terms of footprint, architectural elevations, window placement, roof type, height, entrances, and finishes. Colors, materials, and architectural detailing shall be compatible and repeated throughout the Redevelopment Area.

- D. The process from seeking Design Waivers from these Architectural Controls is addressed in §6.2.2 B.2 herein.

### 7.3.2 GENERAL DESIGN PHILOSOPHY

- A. Site and building design shall employ mass, scale, layout, materials and architectural and other distinguishing features in order to establish a traditional civic character.
- B. As a general rule, buildings should reflect a continuity of treatment by:

- Maintaining building scale or subtly graduating changes;
- Maintaining base courses and extending horizontal lines of fenestration;
- Maintaining cornice lines in buildings of the same height; and
- Echoing architectural styles and details, design themes, building materials, and colors as recommended herein.

- C. The Redeveloper and its designers are encouraged to incorporate environmentally friendly, LEED<sup>51</sup> building and site systems and technologies in all Projects.

### 7.3.3 BUILDING ORIENTATION

- A. Spatial relationships between buildings/structures should be geometrically logical and/or architecturally formal.
- B. Buildings shall front towards and relate to the public Right-of-Way. Buildings on corner lots or curvilinear lots

<sup>51</sup> "Leadership in Energy & Environmental Design"  
([www.usgbc.org/DisplayPage.aspx?CategoryID=19](http://www.usgbc.org/DisplayPage.aspx?CategoryID=19)).



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

with multiple public views shall front towards and relate to each Right-of-Way.

- C. Multiple buildings within a Project shall relate to one another functionally and visually, and are encouraged to be organized around courtyards, greens, quadrangles, or Open Spaces.



- D. Buildings shall define the streetscape through the use of uniform setbacks and massing.

The streetscape shall be reinforced by lines of uniformly spaced street trees and a Parkway<sup>52</sup>, and may be further reinforced by walls, hedges, or fences.

The streetscape shall be generally continued across side yards by landscaping.

**7.3.4 BUILDING MASSING & STYLE**

- A. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes and shall be architecturally emphasized through fenestration, entrance treatment, and detailing.



<sup>52</sup> a planting area located within the public Right-of-Way, typically between the curb and sidewalk, and planted with ground cover and trees.



**REDEVELOPMENT PLAN**  
**LANIDEX REDEVELOPMENT AREA**  
**(BLOCK 226, LOTS 3 & 3.2)**  
**PARSIPPANY-TROY HILLS**  
**MORRIS COUNTY, NEW JERSEY**

- B. Building wall offsets, including projections, recesses, and changes in floor level, shall be used in order to add architectural interest and variety, and to relieve the visual effect of a long, undifferentiated wall.
- C. Corner buildings (on Corner Lots or on the corner of a Project), buildings on curvilinear lots with multiple public views, and buildings fronting open space and internal parking lots are considered significant structures since they have at least 2 facades visibly exposed to public view. Such buildings shall be designed and enhanced by façade treatments (architectural embellishments) to emphasize such locations.
- D. Exterior public and semipublic spaces, such as courtyards or plazas, shall be designed to enhance surrounding buildings and provide amenities for users in the form of landscaping, streetscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate.



### 7.3.5 ROOFS & ROOF MATERIALS

- A. Roofline offsets shall be provided to add architectural interest and variety to the massing of a building and to relieve the effect of a long, undifferentiated roof.



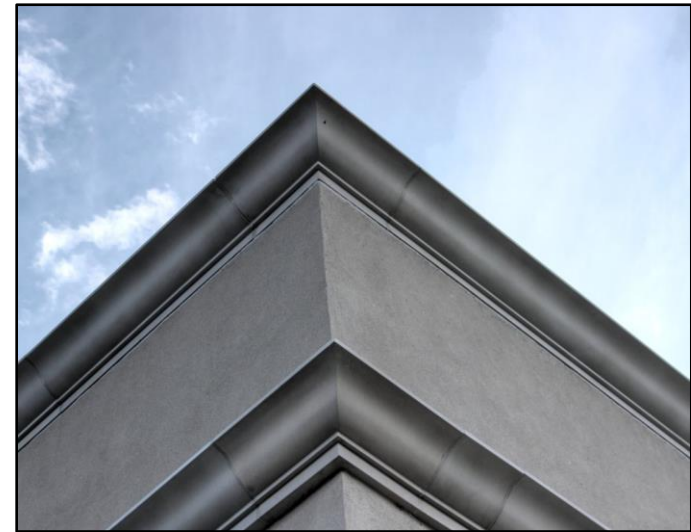
**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

- B. Architectural embellishments that add visual interest to roofs (e.g., dormers, cupolas, masonry chimneys, clock towers, etc.) are encouraged.



- C. Mansard roofs are discouraged on buildings less than 3 stories in height where the architecture can accommodate the style.
- D. Other roof types shall be appropriate to the building's architecture.

- E. Flat roofs shall have articulated cornice lines that generally correspond to consistent cornice line on neighboring buildings (where they exist).

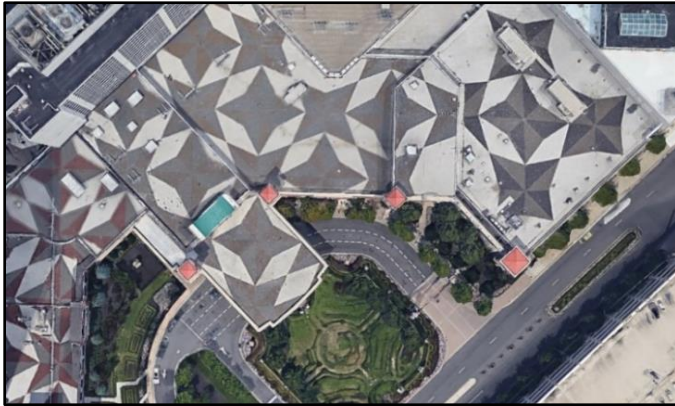


- F. The exposed surface of flat roofs which are less than the Maximum Building Height under this Redevelopment Plan and therefore potentially visible from taller neighboring buildings shall be treated to create an aesthetic appearance from above.

Such treatment shall be constructed of non-reflective material in order to secure an agreeable visual condition.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**



Solar roof installations are strongly encouraged.



### 7.3.6 FAÇADE TREATMENT & MATERIALS

- A. All building elevations shall be designed to be consistent with regard to style, materials, colors, and details. Major

front façade architectural features shall be continued around all visibly exposed sides of such buildings.

- B. Solid, blank<sup>53</sup>, windowless walls or service areas visible from public view are discouraged.



Where such a wall is necessitated by the requirements of the project the effected façades shall be articulated using architectural details such as stepping and/or recessing walls, changes in material and/or colors.

Intense landscaping may also be appropriate.

<sup>53</sup> §2.1 herein.



### 7.3.7 ENTRYWAYS & DOORS

- A. The primary entrance shall be designed to be architecturally and functionally prominent on the primary façade of the building.
- B. Building entrances shall be emphasized by massing, special architectural features, and/or changes in roof line.
- C. Secondary doors shall be architecturally compatible with the style, materials, colors and details of the building.
- D. Windows
  1. Fenestration shall be architecturally compatible with the style, materials, colors, and details of the building.

2. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.
3. Again, solid, blank, windowless walls or service areas visible from public view are discouraged.

Where such a wall is necessitated by the requirements of the project the effected façades shall be articulated using architectural details such as stepping and/or recessing walls, changes in material and/or colors.

Intense landscaping may also be appropriate.



- E. Solid metal security gates or solid roll-down metal windows are prohibited where visible from public view.



Link or grill-type security devices are permitted if installed from the inside, within the window or door frames.



### 7.3.8 BUILDING LIGHTING

- A. Exterior building mounted light fixtures shall be architecturally compatible with the style, materials, colors, and details of the building.
- B. Lighting shall be adequate to the use while minimizing light pollution. Light shields shall be provided to minimize adverse impacts (glare, overhead sky glow) on adjacent properties.
- C. The type of light source used, and the light quality produced, shall be the same or compatible within the Redevelopment Project. Facades shall be lit from the exterior, with lighting concealed through shielding or recessed behind architectural features. Mounting brackets and associated hardware shall be inconspicuous.

### 7.3.9 COLORS

- A. Roof colors shall be compatible with the color scheme used for the other building elements.
- B. Ancillary Structure colors shall be compatible with those of the Principal Structure.



### 7.3.10 ANCILLARY STRUCTURES

Ancillary Structures shall be screened from public view. Where screening is not appropriate, treatment shall be architecturally compatible with the Principal Structure.



### 7.3.11 FENCES & WALLS

All fences and walls shall comply with §430-11 of the Township Code.

### 7.3.12 HEATING, AIR CONDITIONING & TELECOMMUNICATIONS

Air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunication receiving devices shall be screened from public view by use of walls, fencing, roof elements, penthouse-type screening devices, and/or landscaping.

### 7.3.13 SIGNAGE

- A. A Signage Plan, in sufficient scale and detail to clearly depict the size, placement, height, style, lettering, color, illumination, and method of installation for all Project signage shall be submitted as part of the Review & Approval process. Such Plan shall include ~ to the extent known at the time ~ all text and iconographic elements proposed for all buildings, as well as for the entirety of the site surrounding each building within the Project.
- B. Exterior signage shall identify uses, activities or functions of the Project. No advertising of any product, use or activity outside of the Redevelopment Area shall be permitted.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

- C. No vacant signs or sign boxes are permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general Project signage.

Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.

- D. All signs shall be professionally designed and constructed. Homemade-type (plywood, cardboard, coroplast, or similar) signs or home computer generated type signs are expressly prohibited.

- E. Signs may be internally lit with non-glaring lights or may be illuminated by shielded floodlights.

- F. One wall sign is permitted on each street-facing elevation of each Principal Building.

1. The maximum area of each wall sign shall not exceed 150 s.f.
2. The height to the top of any wall sign shall be no higher than 5' below the roofline of the building.

3. Wall signs shall not project more than 18" from the building façade to which they are attached; provided, however, that where a sign extends more than 3" from the face of the wall, the bottom edge of the sign shall not be less than 10' from the ground.

- G. One ground mounted building identification monument sign is permitted at the primary elevation of the Project.

Such sign shall be set back a minimum of 10' from the property line, and shall not exceed 64 s.f. in area and 10' in height (measured from the finished grade to the top of the sign structure).

- H. One directional sign shall be permitted per site accessway, which shall be positioned at or near the entrance drive.

Such signs shall be set back a minimum of 10' from the property line, and shall not exceed 4 s.f. in area and 8' in height (measured from the finished grade to the top of the sign).

- I. Signs are not permitted within a sight triangle.



## **7.4 PERFORMANCE STANDARDS**

The Redevelopment Project shall comply with Township Code Article XXXV Performance Standards and Procedures.



## 8.0 CIRCULATION, PARKING & LOADING PLAN

### 8.1 CIRCULATION

#### 8.1.1 PARSIPPANY ROAD & LANIDEX PLAZA WEST

This Circulation Plan generally maintains the Parsippany Road and Lanidex Plaza West Rights-of-Way in their current geometry, although improvements may be required to address the additional traffic generated by the Redevelopment Project.

While specific improvements will naturally be dependent on the Redevelopment Project proposed, improvements may include, but not be limited to:

- Improvements required to permit access to the Project from Parsippany Road and/or Lanidex Plaza West.
- Modifications in pavement striping and traffic signage.
- Dedicated acceleration/deceleration lands and/or other mechanisms to regulate turning movements.
- At-grade pedestrian crosswalks, traffic signals, and/or other physical and/or mechanical improvements to facilitate pedestrian and vehicular movement.

Township Policymakers recognize that Parsippany Road is a County Road under the jurisdiction of Morris County. Accordingly, any such improvements are beyond the control of the Township and therefore this Redevelopment Plan.

The Township is committed to working with Morris County and the Redeveloper to address the improvements required. Details related to this process shall be addressed within the context of the Redevelopment Agreement to be negotiated between the Township and the Redeveloper.

#### 8.1.2 EXTERNAL ACCESS

- A. Access to the interior of the Redevelopment Parcel from Parsippany Road and Lanidex Plaza West shall be established utilizing Internal Accessways identified by the Redeveloper as part of the Project Concept and



Description of Project Elements submitted under the Redevelopment Agreement process.<sup>54</sup>

- B. The number of curb-cuts on Parsippany Road and Lanidex Plaza West shall be minimized. Obsolete curb-cuts shall be eliminated wherever possible.
- C. In addition to the improvements detailed herein, any repair or reconstruction of a public Right-of-Way necessitated by construction of a Redevelopment Project shall be the responsibility of the Redeveloper of the Project creating such a need.

## 8.2 CURBING & SIDEWALKS

Curbing and sidewalks shall be provided along all public and private Rights-of-Way and along all internal circulation ways.

### 8.2.1 CURBING

- A. Curbing shall not extend more than 6" above the finished pavement.
- B. Curb radii shall be as specified in the Township Code.

### 8.2.2 SIDEWALKS

Parsippany Road is a County Road under the jurisdiction of Morris County. Subject to County approvals if and where required, sidewalks are **mandatory** along Parsippany Road.

- A. Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.
- B. Sidewalks shall have a minimum width of 6'. Additional width may be provided for streetscape treatment or other uses.
- C. In order to delineate crosswalks, sidewalks shall be continued across circulationway surfaces by means of contrasting paving materials or other appropriate treatment.
- D. All sidewalks shall have A.D.A. accessible curb ramps at corners and elsewhere as appropriate.

<sup>54</sup> §5.4 herein.



## **8.3 PARKING**

### **8.3.1 GENERAL REQUIREMENTS**

The intent of this Parking Plan is to balance the uses permitted under this Redevelopment Plan with off-street parking opportunities while minimizing impervious coverage.

- A. Minimum parking requirements shall be as established in §430-276 of the Township Code, except that Warehouse and Fulfillment Center uses shall provide a minimum of 1 space per 2,500 s.f. of gross floor area.
- B. The total parking requirement for the Redevelopment Area shall be the sum total of the number of spaces required for each individual use therein, except that required parking for ancillary retail and cafeteria space for the exclusive use of employees shall be included within the parking requirement for the Principal Use(s).

Where the calculation of total parking required results in a fraction of space, such fraction shall be rounded up to the nearest whole number.

- C. The Redeveloper may request permission of the Planning Board to land bank up to 30% of the total required parking spaces at time of Review & Approval.
- D. Tractor trailer parking spaces for warehouse and Fulfillment Center facilities shall be limited to no more than 2 trailer parking spaces per loading bay.

### **8.3.2 SURFACE PARKING LOTS**

- A. Surface parking lots shall balance the functional requirements of parking with the provision of pedestrian amenities. Lots shall include pedestrian crosswalks distinguished by paint, textured paving, or similar material, landscaping, and street furniture. Transition areas between parking and land uses shall be similarly designed and integrated into the wider network of pedestrian walkways.
- B. Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct view of parked vehicles from streets and sidewalks; avoid spillover light, glare, noise,



or exhaust fumes onto adjacent properties; and provide the parking area with a reasonable measure of shade.

- C. To the extent practicable, parking shall be to the side or rear of a building, preferably to the interior of the Redevelopment Parcel and shall be accessed by means of accessways detailed in §8.1.2 herein.
- D. No parked vehicle shall extend into a driveway or parking lot circulation aisle or encroach into a public or private Right-of-Way.
- E. Parking areas, driveways, and internal circulation aisles shall be set back a minimum of 10' from boundaries along a residential zoning district and a minimum of 5' along a non-residential zoning district, except in any required buffer area in which no such features are permitted.
- F. Parking stalls shall have a minimum dimension of 9' by 18'.
- G. The interior of all parking lots shall be landscaped to provide shade and visual relief by way of protected planting islands or peninsulas within the perimeter of the lot as follows:

- 1. A minimum of 1 tree for every 25 parking spaces shall be evenly distributed throughout the parking lot. A 6' planting diamond (or equivalent planter) is required for each tree with appropriate ground cover (e.g., mulch, landscaping stone, etc.)
- 2. Plant material shall be approved by the Township Forrester.

## **8.4 LOADING**

- 8.4.1** Loading and deliveries shall be accommodated via loading areas of a minimum dimension of 12' by 60' for each 20,000 s.f. of warehouse and/or Fulfillment Center facilities.
- 8.4.2** Loading areas shall be oriented in such a fashion as to create the least possible interference with traffic movement, both internal and external, to a Redevelopment Project.
- 8.4.3** Loading areas shall be totally within the Project site such that the vehicle(s) being loaded/off-loaded shall be off of any public or private Right-of-Way.



**8.4.4** Loading areas and their driveways or other access points shall be appropriately screened and landscaped from view so as to be aesthetically pleasing and minimize direct views from adjacent properties or from public or private Rights-of-Way, and to minimize spill-over glare, noise, exhaust fumes or another nuisance.

**8.4.5** Screening and buffering shall be achieved through walls, fence, and landscaping. Screening shall be a minimum of 5' tall, shall be visually impervious, and shall generally conform with the provisions of §10.2 herein.

**8.4.6** Specific delivery, loading, and trash and recycling removal programs for each Redevelopment Project or portion thereof shall be determined within the context of the site constraints existing for such at time of Review & Approval.

## **8.5 FINAL CIRCULATION, PARKING & LOADING PLANS**

**8.5.1** A Final Circulation, Parking & Loading Plan for the Redevelopment Area, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its Project Concepts and designs.

**8.5.2** Each such Plan shall be approved by the Planning Board at time of Review & Approval, and shall address as applicable:

- Municipal dedications and vacations;
- Parking for employees, patrons, and visitors;
- Internal circulation of vehicles and pedestrians; and
- Other actions related to improved traffic and pedestrian circulation to, from, and through this section of the Township.

**8.5.3** Nothing herein shall prohibit a Redeveloper from pursuing circulation improvements as off-tract improvements for a Redevelopment Project. Any such improvements will be, by definition, on lands outside of the Redevelopment Area. Land use requirements will therefore fall under the jurisdiction of the County or Township Code and not this Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.

**8.5.4** Details related to specific actions under this Circulation, Parking & Loading Plan shall be included in the Redevelopment Agreement between the Township and



***REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY***

Redeveloper Candidate. Such Agreement shall condition any municipal action related thereto upon Planning Board approval under the Review & Approval process.

**8.5.5** Unless modified via specific provisions of a Redevelopment Agreement, the process of seeking Design Waivers from this Circulation, Parking, & Loading Plan are addressed in §6.2.2 B.2 herein.



## 9.0 INFRASTRUCTURE CONTROLS

### 9.1 UTILITY SERVICES

**9.1.1** Utility services<sup>55</sup> to the Redevelopment Area are available from Parsippany Road. A Utilities Survey, performed by a licensed Land Surveyor, is required for precise locations of subsurface elements and to locate at-grade or overhead lines.

At Publication of this Redevelopment Plan, it is believed that there is available capacity in each system to accommodate the intensity of development anticipated. However, the Township makes no warranties as to the adequacy of any existing utility service vis-à-vis any proposed Project.

Within this context, the Township makes no warranties regarding upgrades to existing systems that may be necessary for any particular Redevelopment Project.

**9.1.2** The exact locations for utility lines and easements shall be established at the time of Review & Approval.

**9.1.3** Distribution lines for all utility systems feeding the Redevelopment Area shall be placed underground. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area as improvements are undertaken.

*Redevelopers and their engineers are herewith put on notice that many, if not all, of the utilities servicing the Redevelopment Area feed or feed from existing lines servicing other sections of the municipality. This Redevelopment Plan will permit **no interruption of service** to these areas. Developers shall comply with the requirements of each individual utility to ensure **uninterrupted service**.*

**9.1.4** All infrastructure improvements and related easements shall comply with Township standards. All such improvements shall be inspected by the Township Engineer for compliance with such standards and shall be certified as compliant prior

<sup>55</sup> Including electric, gas, water, communications (telephone) and cable television systems.



to municipal acceptance of same.

## **9.2 FLOODPLAIN, WETLANDS, & STORMWATER MANAGEMENT**

**9.2.1** All designated floodplain areas and delineated wetlands shall comply with NJDEP requirements.

**9.2.2** Stormwater management basins, headwalls, outlet structures, concrete flow channels, rip rap channels and other drainage improvements shall be screened with plant material and/or berms. Such facilities, as appropriate, shall be situated in the least visible location or, if visible, shall be incorporated into the natural topography of the land.

**9.2.3** In lieu of peripheral fencing, basin edges shall be contoured and shaped to form low angles at the primary water line, thereby ensuring greater pedestrian safety.

## **9.3 FINAL INFRASTRUCTURE PLAN**

**9.3.1** A Final Infrastructure Plan, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its Project Concepts and designs.

**9.3.2** Each such Plan shall be approved by the Planning Board at time of Review & Approval, and shall address, as applicable:

- Exact locations for utility lines and easements;
- Storm water management;
- Sanitary sewer and potable water;
- Solid waste and recycling, and
- Other issues related to necessary infrastructure to, from and through the Redevelopment Area.

**9.3.3** Nothing herein shall prohibit a Redeveloper from pursuing infrastructure improvements as off-tract improvements for a Redevelopment Project.



## **10.0 LANDSCAPING, STREETSCAPING & OPEN SPACE PROVISIONS & ENVIRONMENTAL PROTECTION MEASURES**

### **10.1 LANDSCAPING & STREETSCAPING PLAN**

**10.1.1** A Landscaping & Streetscaping Plan, prepared by a New Jersey Licensed Landscape Architect,<sup>56</sup> shall be submitted as part of the Review & Approval process. Such Plan shall be in sufficient scale and detail to clearly depict the placement, size, scope, and quantity of all landscaping/streetscaping elements and materials, and shall address the aesthetic treatment for all publicly visible sections of the Redevelopment Area (whether public access is permitted or not), including all open space, sidewalks, parking lots, and infrastructure elements.

**10.1.2** Each such Landscaping Plan shall include:

- Common name, botanical name, size at planting, and appropriate planting notes for all landscape elements;
- Number, locations, and appropriate notes for other Project elements; and
- Other relevant issues as appropriate.

**10.1.3** All lands subject to this Redevelopment Plan shall either retain their natural features ~ to the extent that any exist ~ or be extensively landscaped and/or streetscaped with such natural and manmade materials as may be appropriate to the type and scale of the Redevelopment Project proposed. Such landscaping/streetscaping shall be provided in all areas not covered by buildings, parking lots, or other improvements.

### **10.2 LANDSCAPING**

**10.2.1** Landscape elements may include, but need not be limited to street trees, shade trees, shrubbery, hedges, ground covers and/or grasses, perennial and annual flowers, and other plant materials. Design shall feature repetition, structured patterns, and complimentary textures and colors in order to create an overall character for the Redevelopment Project.

<sup>56</sup> Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.



**10.2.2** Buffers of at least 20' in width shall be provided along the frontage of the Redevelopment Parcel along Parsippany Road, the western Parcel boundary adjacent to the school, and the southern Parcel boundary adjacent to the R-4 Zone.

**10.2.3** All required buffers shall be devoid of parking areas, buildings, and detention basins, but may include principal access driveways, easements and drip irrigation.

**10.2.4** To the extent practicable, plant material shall consist of native species as well as those species traditionally found in the Parsippany-Troy Hills region. Non-native species may be employed to enhance aesthetic appeal. Species shall be appropriate to Parsippany's climatic zone. Types, location, and frequency of plantings shall be appropriate to the architecture of the Project to which they are intended to serve.

- A. Plan selection shall be varied to avoid a monoculture.
- B. Only nursery-grown plant materials are acceptable.

All plant material shall be grown and installed in compliance with the current edition of the American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.

### **10.3 STREETS CAPING**

**10.3.1** Streetscaping shall address the decorative treatment of all impervious surfaces, both internal to a Redevelopment Project and within any public or private Right-of-Way adjacent to a Project, in order to demarcate public spaces and help the Project blend in with the surrounding natural and built environment. Elements shall be appropriate to the Project proposed and shall be constructed of non-reflective materials.

**10.3.2** Streetscaping elements may include, but need not be limited to, such functional and ornamental elements as decorative (textured) paving materials<sup>57</sup>; benches and other street furniture; fountains or other water features; trellises, pergolas, gazebos; fences and walls; decorative lighting (both pedestrian and architectural); and like and similar features.

<sup>57</sup> Including, but not limited to, a combination of scored concrete, paver accents and such non-traditional / New Urbanist landscape design as curvilinear or meandering sidewalks with enhanced planting beds, rain gardens, and other similar aesthetic treatment.



## **10.4 LIGHTING**

**10.4.1** A comprehensive Lighting Plan, addressing illumination of all public areas, parking lots, open spaces, and buildings, shall be submitted for the Redevelopment Project. Lighting shall be designed to provide security and safe movement of pedestrians and vehicles as well as to highlight Project elements in order to create an aesthetically pleasing environment.

**10.4.2** The Lighting Plan shall depict the location, type and wattage of all luminaries, with i.s.o. footcandle radii and light cutoff angles indicated. Where pole mounted lighting is employed, pole design, height, foundation and support information is required.

**10.4.3** Site and building lighting shall blend with the architecture of the element(s) such lighting is designed to highlight.

**10.4.4** Lighting shall be shielded, buffered, and directed to prevent light spillover, glare or reflection from impacting adjoining properties, including natural areas.

**10.4.5** Security lighting shall illuminate all windows, doors, access drives to parking areas, and other public spaces as required.

## **10.5 OPEN SPACE**

Accessible Open Space areas, including on flat rooftops, is encouraged when appropriate to the Redevelopment Project, and may be developed as active or passive recreation areas. Treatment may include gardens or other decorative elements to create an attractive setting. Such areas shall be proprietary to a Permitted Use within a Project.

## **10.6 ENVIRONMENTAL PROTECTION MEASURES**

**10.6.1** It is the goal of this Redevelopment Plan to maximize build-out of the Redevelopment Area order to create the most productive Project possible; thereby achieving the Municipal Goals & Objectives established herein<sup>58</sup>. Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of this Plan may govern certain aspects of the Project.

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<sup>58</sup> §4.0 herein



While it is not possible to know what, if any, conditions might be placed on the Redevelopment Project by the Highlands Council or other Relevant Permitting Agencies, this Redevelopment Plan recognizes that some such measures may be imposed.

**10.6.2** The design of such Environmental Protection Measures, if required, shall be determined within the context of the governmental approvals granted by the Relevant Permitting Agencies.

## **10.7 FINAL LANDSCAPING, STREETSCAPING, & OPEN SPACE/ENVIRONMENTAL MITIGATION PLAN**

A Final Landscaping, Streetscaping & Open Space Plan for the Redevelopment Project, addressing all pertinent issues (including applicable Environmental Protection Measures), shall be more fully developed as the Redeveloper refines its Project Concepts and designs, and shall be approved by the Planning Board at time of Review & Approval, and by the relevant Permitting Agencies as part of the permitting process.

The process of seeking design waivers from these provisions is addressed in §6.2.2 B.2 herein.



## 11.0 EQUAL OPPORTUNITY

All activities in furtherance of this Redevelopment Plan, whether by the Redevelopment Entity, a Redeveloper Candidate, any contractor or subcontractor to a Redeveloper Candidate, a designated Redeveloper, any contractor or subcontractor to a designated Redeveloper, or any successors in interest to any of the foregoing ~ collectively referred to herein as “Responsible Party” ~ shall conform with all mandatory Equal Employment Opportunity language pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. and N.J.A.C. 17:27, as may be amended from time to time.

In furtherance thereof, and without limitation:

**11.1** No Responsible Party engaged in activities under this Redevelopment Plan shall discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex.

**11.2** Responsible Parties shall ensure that equal employment opportunity is afforded to applicants in recruitment and employment, and that employees are treated during employment without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality, or sex. Such equal employment opportunity shall include, but not be limited to: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training (including apprenticeship).

**11.3** No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by a Redeveloper or any successors in interest whereby the land or improvements subject to this Redevelopment Plan are restricted, either by the Redevelopment Entity or such Redeveloper or any successors in interest) upon the basis of age, race, creed, color, nation origin, ancestry, marital status, affectional or sexual



***REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY***

orientation, gender identity or expression, disability, nationality, or sex in the sale, lease use, or occupancy thereof.

**11.4** The provisions of this §11.0 as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redevelopment Agreements and/or disposition instruments as covenants running with the land.



## 12.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

### 12.1 REDEVELOPMENT AREA DESIGNATION

The Parsippany Troy-Hills Township Council, via Resolution No. R2023.075 (adopted May 16, 2023), declared what was then known as the Lanidex Study Area to be a “Non-Condemnation Area in Need of Redevelopment” pursuant to the *Local Redevelopment & Housing Law*. Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

### 12.2 REDEVELOPMENT PLAN

Upon adoption by the Governing Body, this document shall constitute a Redevelopment Plan under the provisions of the *Redevelopment Law*. It includes an outline for the (re)planning and (re)development of the Lanidex Redevelopment Area describe herein as follows:

#### 12.2.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

This Redevelopment Plan has been crafted to achieve the Municipal Goals & Objectives detailed under §4.0 herein.

#### 12.2.2 APPROPRIATE LAND USES

Permitted land uses under this Redevelopment Plan are detailed in §7.2 and the applicable subsections of §8.0 herein.

#### 12.2.3 DENSITY OF POPULATION

There are no residential units in the Redevelopment Area and no residential uses are proposed by this Redevelopment Plan. Residential Density is therefore not applicable to this Plan.

#### 12.2.4 PUBLIC TRANSPORTATION & TRAFFIC

- A. This Redevelopment Plan does not alter the relationship of Block 226, Lots 3 and 3.2 as related to Public Transportation from that which existed prior to the lands being designated In Need of Redevelopment.
- B. As detailed in §7.1.2 and elsewhere in this Redevelopment Plan, the Township assumes that Parsippany Road and Lanidex Plaza West will generally remain in their current geometry, but may be modified in some form to improve traffic flow in this section of the Township.



Specific improvements will naturally be dependent on the Redevelopment Project and agreement by the Relevant Permitting Agencies, and are therefore beyond the scope of this Redevelopment Plan. Issues related to traffic and vehicular circulation shall therefore be addressed as the Redeveloper refines its Final Circulation, Parking & Loading Plan<sup>59</sup> for the Redevelopment Project.

#### **12.2.5 PUBLIC UTILITIES**

Utility service and the Redeveloper's requirements relating thereto are outlined in §9.0 herein.

#### **12.2.6 RECREATIONAL & COMMUNITY FACILITIES**

A. There are no recreation or community facilities located or operating within the Lanidex Redevelopment Area. The activities detailed herein will therefore not negatively impact existing recreation or community facilities within the Township.

Accordingly, this Redevelopment Plan causes no change to the recreational and community facilities serving the

Township from those which existed prior to the adoption of this Plan.

- B. It is not anticipated that the Redevelopment Project will result in the development of any new community facilities. The Redeveloper may elect, however, to create some form of active or passive recreation as an amenity to its Project.
- C. Details related thereto shall be addressed as the Redeveloper finalizes its Project Concepts and Description of Project Elements attendant to the Review & Approval process.

#### **12.2.7 OTHER PUBLIC IMPROVEMENTS**

- A. Public improvements anticipated by this Redevelopment Plan include:
  - Improvements related to the roadway and infrastructure networks servicing the Redevelopment Area;
  - The remediation of any contamination found in, on or under the Redevelopment Area; and

<sup>59</sup> §8.5 herein.



- Any Environmental Protection Measures that may be required by the Relevant Permitting Agencies.

Traffic and infrastructure improvements will have the added benefit of providing upgraded service to properties outside ~ but in the vicinity of ~ the Redevelopment Area.

To the extent that such improvements benefit parties other than the Redeveloper, they may be considered *Other Public Improvements*.

- B. While no *Other Public Improvements* are contemplated, this Redevelopment Plan permits such improvements as may be necessary to support the Redevelopment Project.
- C. Pursuant to §6.2.1 D.3 herein, the Planning Board shall retain the right, at time of Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free

flow of traffic, to mitigate other possible impacts to the public safety and welfare arising from the Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Goals & Objectives<sup>60</sup> of this Plan.

### 12.2.8 PROPOSED LAND USE & BUILDING REQUIREMENTS<sup>61</sup>

The Standards & Controls of General Applicability<sup>62</sup>; Land Use Plan<sup>63</sup>; Circulation, Parking, & Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping, & Open Space Provisions / Environmental Mitigation Measures are detailed in §6.0 through §10.0 of this Redevelopment Plan.

## 12.3 PROVISION FOR TEMPORARY & PERMANENT RELOCATION

- 12.3.1 The *Redevelopment Law*<sup>64</sup> requires that a Redevelopment Plan include “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

<sup>60</sup> §4.0 herein.

<sup>61</sup> N.J.S.A. 40A:12A-7a(2)

<sup>62</sup> Governing Regulations; Review Procedures, Interpretations & Responsibilities; Variances, Departures, Deviations & Design Waivers; and Permitted Uses (General).

<sup>63</sup> Development Regulations and Architectural Controls.

<sup>64</sup> N.J.S.A. 40A:12A-7a(3)



*sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market”.*

There are no residential units in the Redevelopment Area. The relocation provisions of the *Redevelopment Law* are therefore not applicable to this Redevelopment Plan.

#### **12.4 IDENTIFICATION OF PROPERTY-TO-BE ACQUIRED<sup>65</sup>**

Identification of properties designated as “To-Be / Not-To-Be-Acquired” under this Redevelopment Plan is addressed in §5.5 herein.

#### **12.5 SIGNIFICANT RELATIONSHIP TO OTHER PLANS<sup>66</sup>**

The *Redevelopment Law* requires a Redevelopment Plan to address any significant relationship of the Plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.

A. Prior to the adoption of this Redevelopment Plan, the Redevelopment Area was subject to:

- The Township’s 2020 Master Plan;
- The Township Code;
- The Morris County Master Plan;
- The State Plan;
- The Highlands Regional Master Plan; and
- The regulations of all Relevant Permitting Agencies.

B. Upon adoption of this Redevelopment Plan, the lands and buildings addressed herein shall be subject to the foregoing ***and this Redevelopment Plan.***

#### **12.5.1 MASTER PLANS OF CONTIGUOUS MUNICIPALITIES**

Municipalities contiguous to Parsippany Troy-Hills are Boonton, Denville, East Hanover, Hanover Montville, Morris Plains, Morris, Mountain Lakes, and Randolph.

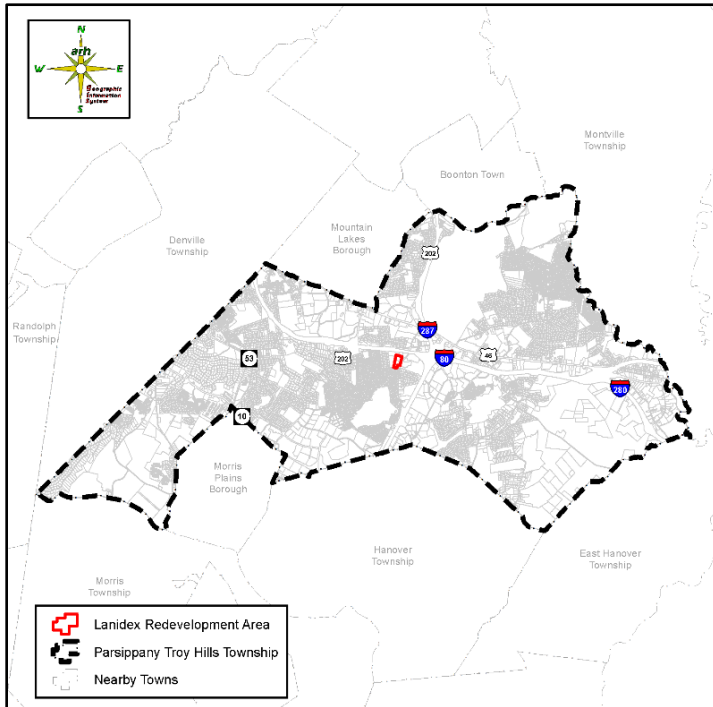
Given the location of the properties subject to this Redevelopment Plan vis-à-vis Parsippany’s neighbors, the activities anticipated under this Redevelopment Plan are not expected to have any impact on the surrounding municipalities or their Master Plans.

<sup>65</sup> N.J.S.A. 40A:12A-7a(4)

<sup>66</sup> N.J.S.A. 40A:12A-7a(5)



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**



on redevelopment of once nonresidential sites, aided by the reduction in demand for new office space...”

Redevelopment is projected to be the primary driver of future residential and economic/commercial growth. In particular, the Plan anticipates that the growth of new warehouse and distribution uses will offset some declines in the office and retail markets, but that “the placement of these facilities must be carefully considered to reduce the potential for negative traffic impacts.” The Plan observes that industrial, manufacturing and/or warehouse uses have increasingly located near major highway corridors, whereas these uses were traditionally located along rail corridors or major waterways. The Redevelopment Area is proximate to Interstate 287, Interstate 80, and several County routes.

**12.5.2 MORRIS COUNTY MASTER PLAN**

The 2020 Land Use Element of the Morris County Master Plan echoes observations made in the Township’s Master Plan, including a recognition that market changes ranging from the Great Recession to the COVID-19 pandemic have affected the viability of commercial offices and resulted in vacancies or underutilized sites. The Plan Element projects that “new residential and/or mixed-use growth will focus increasingly

**12.5.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN**

As addressed in §3.4.5 and §3.4.6 herein, this Redevelopment Plan is consistent with, supports, and is designed to effectuate the goals and objectives of the *State Plan* for PA~1 (Metropolitan) Planning Areas.



**REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY**

Similar to the Master Plans of contiguous municipalities, there is no change in the relationship of this Redevelopment Plan to the *State Plan* from that which existed prior to the adoption of this Plan.

#### 12.5.4 HIGHLANDS REGIONAL MASTER PLAN

The Highlands Region is split into a Preservation Area and a Planning Area. Parsippany-Troy Hills is located in the Planning Area. While compliance with the Highlands Regional Master Plan is required for municipalities in the Preservation Area, it is voluntary for municipalities in the Planning Area.

In June 2020, Parsippany submitted a Petition for Plan Conformance to the Highlands Council, which was approved in December 2020.

The Goals of the Highlands Regional Master Plan (RMP) in the Planning Area include:

*Encouraging ~ consistent with the State  
Development and Redevelopment Plan and*

*smart growth strategies appropriate patterns  
of compatible residential, commercial and  
industrial development ~ redevelopment and  
economic growth while discouraging sprawl.<sup>67</sup>*

Again, this Redevelopment Plan is consistent with, supports, and is designed to effectuate the goals and objectives of the *State Plan* for PA~1 (Metropolitan) Planning Areas.

Further, this Redevelopment Plan is consistent with Highlands Goals:

*(6F<sup>68</sup>) Support of compact development,  
mixed use development and **redevelopment**  
and maximization of water, wastewater and  
transit infrastructure investments for future  
use of land and development within the  
Existing Community Zone.*

*(6H<sup>69</sup>) Guide development away from  
environmentally sensitive and agricultural lands  
and promote development and redevelopment  
in or adjacent to existing developed lands.*

*(6K<sup>70</sup>) Concentrate residential, commercial  
and industrial development, redevelopment,*

<sup>67</sup> Highlands RMP: pg. 39

<sup>69</sup> Highlands RMP: pg. 192

<sup>68</sup> Highlands RMP: pg. 190

<sup>70</sup> Highlands RMP: pg. 195



and economic growth in existing developed areas in locations with limited environmental constraints, access to existing utility, and transportation infrastructure.

## **12.6 INVENTORY OF EXISTING AFFORDABLE HOUSING UNITS TO BE REMOVED**

**12.6.1** The *Redevelopment Law*<sup>71</sup> requires that a Redevelopment Plan include:

*As of the date of the adoption of the resolution finding the area to be In Need of Redevelopment<sup>72</sup>, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to ... C.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.*

There are no residential units in the Redevelopment Area to be removed. This provision is therefore not applicable to this Redevelopment Plan.

<sup>71</sup> N.J.S.A. 40A:12A-4a(6)

<sup>72</sup> as of May 16, 2023 (the date of adoption of Resolution No. R2023.075)

<sup>73</sup> N.J.S.A. 40A:12A-7a(7)

## **12.7 PLAN FOR AFFORDABLE REPLACEMENT HOUSING**

The *Redevelopment Law*<sup>73</sup> requires a Redevelopment Plan to include:

*[a] plan for the provision 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. [emphasis added]*

There are no residential units in the Redevelopment Area to be removed. This provision is therefore not applicable to this Redevelopment Plan.

## **12.8 PROVISION OF AFFORDABLE HOUSING<sup>74</sup>**

**12.8.1** In 2015, the New Jersey Supreme Court<sup>75</sup> removed jurisdiction of affordable housing matters from the New Jersey Council on Affordable Housing and placed it with the State's Superior Court. Subsequently, the Township's fair

<sup>74</sup> N.J.S.A. 40A:12A-7b

<sup>75</sup> In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 (221 N.J. 1[2015]~a.k.a. "Mount Laurel IV").



share obligations were determined in a settlement agreement between the Township and the Fair Share Housing Center in April of 2019.

**12.8.2** While Township Policymakers recognize that some form of affordable housing obligation may attach to a Lanidex Redevelopment Project, it is not possible to know, at this point in time, the form that such obligation might take. Accordingly, issues related to the provision of affordable housing under this Redevelopment Plan shall be negotiated within the context of the Redevelopment Agreement between the Township and Redeveloper Candidate.

**12.8.3** Nothing herein shall prohibit the obligations generated by a particular Redevelopment Project from being satisfied via negotiated agreement between the Township, the Redeveloper of such Project and the (Re)developer of another Project either within or outside of the lands subject to this Redevelopment Plan.

## **12.9 ZERO EMISSION VEHICLE FUELING & CHARGING INFRASTRUCTURE**

**12.9.1** The *Redevelopment Law*<sup>76</sup> requires that a Redevelopment Plan include:

*[p]roposed 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.*

At Publication of this Redevelopment Plan, Electric Vehicle Charging Infrastructure in Parsippany is available at 11 locations.<sup>77</sup> There are no charging stations available within a mile of the Redevelopment Area.

**12.9.2** On July 9, 2021, Governor Phil Murph signed an Act<sup>78</sup> requiring the Commissioner of the NJDCA to promulgate and “publish a Model Land Use Ordinance to address installation, sightline, and setback requirements and other health- and safety-related specifications for electric vehicle supply equipment and Make-Read parking spaces”.

<sup>76</sup> N.J.S.A. 40A:12A-7a(8)

<sup>78</sup> P.L. 2021, Chapter 171

<sup>77</sup> <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=e41aa50dd8cd45faba8641b6be6097b1>



Such Model Ordinance became effective for all New Jersey municipalities on September 1, 2021.

Upon adoption of this Redevelopment Plan, the provisions of this Plan shall govern.

**12.9.3** The Township adopted its own Electric Vehicle Ordinance in December 2021<sup>79</sup>. Such Ordinance is embodied in Township Code §430-277.1.

**12.10.2** The relationship of this Redevelopment Plan to pertinent municipal development regulations is outlined in §6.0 – §10, herein.

**12.9.4** While zero-emission vehicle fueling and charging stations are included among the Ancillary Uses & Structures permitted by this Redevelopment Plan<sup>80</sup>, this Plan **requires** the Redevelopment Project to conform with all State and municipal requirements regarding zero-emission fueling and charging.

While certain Land Uses, Building Limit Controls, and development regulations / procedures of this Redevelopment Plan differ from those in place under the Township Code, they do not substantially alter the underlying nature of such existing provisions. Such modifications are deemed necessary and appropriate to achieve the Municipal Goals & Objectives<sup>81</sup> of this Redevelopment Plan.

## **12.10 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS**

**12.10.1** Prior to the adoption of this Redevelopment Plan, Block 226, Lots 3 and 3.2 were located in the Township’s Research, Office and Laboratory (ROL) Zoning District. Land use and building regulations for this zone are found in Chapter 430 of the Township Code.

Accordingly, the overall character planned for this section of the Township remains generally consistent with that planned prior to the adoption of this Redevelopment Plan.

<sup>79</sup> Via Ordinance No. 2021:25

<sup>81</sup> §4.0 herein.

<sup>80</sup> §7.2.2 herein.



**12.10.3** Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Plan is an explicit amendment to the Township’s Zoning District Map and the land use and development provisions of the Township Code.

Upon adoption, the Township’s Zoning Map shall be immediately modified to reflect this Redevelopment Plan.

## **12.11 CONSISTENCY WITH MUNICIPAL MASTER PLAN**

**12.11.1** The *Redevelopment Law*<sup>82</sup> provides, in pertinent part, that

*All provisions of [a] Redevelopment Plan [shall] be either substantially consistent with the municipal master plan or designed to effectuate the master plan...*

**12.11.2** The Township adopted its most-recent Comprehensive Master Plan in 2020. The Future Land Use Map shows the Redevelopment Area within the Corporate Office / Manufacturing land use category. The Plan notes that these areas are a major employment center for the region but have experienced significant vacancies in recent years. While the Plan recommends that these properties retain the primary

uses of office and manufacturing, it does recommend a broadening of land uses to include “indoor recreation / entertainment, hotels, fitness, daycare, assisted-living facilities, and multifamily / mixed-use.”

**12.11.3** The Master Plan<sup>83</sup> further supports an Economic Policy to:

*Encourage redevelopment and infill development in existing commercial and office areas that are vacant or in need of reinvestment.*

and recommends that the Township support development that responds to the market demand for modern uses.

This Redevelopment Plan provides the framework to redevelop an otherwise vacant commercial office building to meet current market demands for warehousing. Accordingly, this Plan effectuates the Redevelopment recommendations under the Township’s 2020 Master Plan.

<sup>82</sup> N.J.S.A. 40A:12A-7d

<sup>83</sup> Master Plan pg. 91



## 13.0 EFFECTIVE DATE, DURATION & AMENDMENT PROVISIONS

### 13.1 EFFECTIVE DATE

The Effective Date of this Redevelopment Plan shall be the date the Ordinance adopting this Plan becomes effective.

### 13.2 DURATION OF PROVISIONS

**13.2.1** Subject to the provisions of §14.0 herein, this Redevelopment Plan, as it may be amended from time-to-time, shall be in effect for a period of 10 years from the Effective Date; unless however, there is a portion of a Redevelopment Project or Independent Component thereof which has commenced construction but has yet to receive a Certificate of Completion & Compliance. In such case, this Redevelopment Plan shall remain in effect for any such area until the issuance of said Certificate of Completion & Compliance.

**13.2.2** Nothing Shall be construed to limit the ability of the Governing Body to extend the duration of this Redevelopment plan beyond that described hereinabove upon adoption of an Ordinance authorizing the same.

### 13.3 PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN.

**13.3.1** This Redevelopment Plan may be amended from time-to-time upon compliance with all applicable laws and statutes and upon approval of the Governing Body.

**13.3.2** In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-9 and 13, and any applicable provisions of a Redevelopment Agreement, mutual agreement between the Township and the Redeveloper is required where a Redevelopment Agreement is in place and where any amendment thereto would change the controls governing the use of lands under said Agreement.



## 14.0 CERTIFICATE OF COMPLETION & COMPLIANCE

**14.1** Upon Completion of construction of a Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper, the Township<sup>84</sup> shall issue the Redeveloper a Certificate of Completion & Compliance for said Project or said Independent Component thereof, certifying that the Project, or the Independent Component thereof, was completed in accordance with this Redevelopment Plan, the Redevelopment Agreement and the Project Plans approved by the Planning Board as part of the Review & Approval process;<sup>85</sup> and further certifying that all applicable provisions of the Redevelopment Agreement, including provisions related to N.J.S.A. 40A:12A-7 to 9, have been satisfied.

Each such request shall be accompanied by as-built plans of the Project or Independent Component thereof which is subject to the request, prepared, signed and sealed by the appropriate design professional, depicting the final constructed configuration of the Project or Independent Component thereof.

**14.2** Upon the issuance of the final such Certificate of Completion & Compliance for the final Component of the Redevelopment Project, or at the expiration of this Redevelopment Plan pursuant to §13.2 herein, whichever shall occur last, the conditions determined to exist at the time the Lanidex Redevelopment Area was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan, with the exception of the Development Regulations (§7.2), Architectural Controls (§7.3), and the Equal Opportunity provisions (§11.0), shall terminate and the Redevelopment Area shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

**14.3** Unless otherwise addressed by an affirmative action of the Governing Body, the appropriate sections of the Township Code shall be amended to include the Development

<sup>84</sup> Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

<sup>85</sup> Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.



***REDEVELOPMENT PLAN  
LANIDEX REDEVELOPMENT AREA  
(BLOCK 226, LOTS 3 & 3.2)  
PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY***

Regulations of this Redevelopment Plan<sup>86</sup>, which shall survive the expiration of this Plan.

**14.4** The Certificate of Completion & Compliance process shall be independent of and shall not substitute for, the standard municipal Certificate of Occupancy process. Within this context, the Township<sup>87</sup>, at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with, or after issue of a Certificate of Occupancy.

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<sup>86</sup> §7.2 herein.

<sup>87</sup> Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.